DEMOSTHENIS

Πρὸς Φορμίωνα
Πρὸς Βοίωτον I
Κατὰ Κόνωνος

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THREE PRIVATE SPEECHES OF DEMOSTHENES

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THREE PRIVATE SPEECHES OF DEMOSTHENES

Edited with Notes
by

F. C. DOHERTY
Senior Classical Master
King's College School
Wimbledon

Πρὸς Φορμίωνα

Πρὸς Βοιωτὸν α

Κατὰ Κόνωνος

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PREFACE

IN view of the general trend of classical teaching at the present time, this edition of three of the private speeches of Demosthenes calls, I hope, for no apology. Efforts are being made more and more systematically to provide the student of Latin and Greek with a real background of knowledge in regard to religion, art, politics, social life, and so on, against which he may see more clearly the movements of whatever figures may happen to hold his stage at any one time. With this end in view, where Greek is concerned, nothing can be more illuminating than the comedies of Aristophanes, the characters of Theophrastus, and the private speeches of the orators, especially Demosthenes. The first have received their full share of attention, the second are open to certain objections as a school-book, and the last have been generally neglected.

The present volume is an attempt to meet the need for a small edition of some of these speeches, and it has been my aim to select three which not only possess merits of composition, but also deal with widely differing subjects. Any one who has given careful attention to the orations 'Against Phormio', 'Against Boeotus', and 'Against Conon', must have acquired a respectable store of information upon finance, commerce, shipping, citizenship, military service, social and domestic relations, and a number of other aspects of the life of an ordinary Athenian, quite apart from the intricate and absorbing subject of the administration of the law, and

the procedure of the various courts. All this provides a background for literature and history, and the value of such knowledge is not easily overrated.

There is no need for any general Introduction. Nothing which it would contain is not already dealt with either in the special introductions to particular speeches, or in the notes. General questions on Greek oratory, or the merits and methods of Demosthenes, have been fully dealt with long since by competent authorities. The text of the first two speeches is that of the Oxford Text of Rennie, and of the third that of the Teubner edition edited by Blass, with one or two small alterations. No one who undertakes such a task as this could fail to acknowledge his debt to the work of Professor Kennedy, and to the edition of Sandys and Paley, published by the Cambridge Press. It is only a pity that this work is a little too large and elaborate for general use in schools.

F. C. D.

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ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ

INTRODUCTION

PHORMIO, a merchant engaged in foreign trade, borrowed from Chrysippus and his partner the sum of twenty minae, or about £85, upon the following terms. He was to ship from Athens a cargo of twice the value of the loan, in the ship of a certain Lampis, bound for the port of Panticapaeum in the Cimmerian Bosporus. Here he was to put on board a return cargo for Athens, and to repay the loan upon the vessel's arrival, together with six minae by way of interest, out of the money realized by the sale of the goods he thus imported. Failure to ship the return cargo laid him open to a penalty of fifty minae, though it appears that by a special clause in the contract he was permitted, by way of alternative, to pay over to Lampis at the Bosporus all the money due under the agreement, for transmission by the latter to Chrysippus. In the event of the loss of the ship, its cargo, or both, the borrower was released from the necessity of repayment, in accordance with the usual provisions of such contracts.

When Phormio actually reached the Bosporus, he found that for various reasons there was no demand for his goods, probably a mixed cargo of miscellaneous wares. Thereupon he told Lampis to sail home without him, saying that he himself would return as soon as he had disposed of them, and putting no return cargo on board. Lampis, as it chanced, was shipwrecked on his way; the vessel and its cargo were both lost, and he himself escaped in the ship's boat. When he reached Athens after his misadventure, he reported all the facts of the case to Chrysippus, upon which the partners took action against Phormio for

a breach of the agreement and the recovery of their money, as soon as he in his turn arrived home.

The dispute was submitted in the first instance to an arbitrator, before whom Lampis, at the instigation of Phormio, denied his previous story and alleged that the money had been paid to him by Phormio at the Bosporus and subsequently lost in the shipwreck. The arbitrator, unable to satisfy either himself or the opposing parties, sent the case for trial. The present speech is an answer to the παραγραφή or special plea put in by Phormio on the ground that he had fulfilled the terms of the agreement by his payment to Lampis, and that the action could not for this reason be maintained. He had already claimed freedom from liability on account of the shipwreck, a claim which would have been incontestable, provided he could show that he had shipped the return cargo which the contract required. It was, however, a matter of common knowledge that he had failed to do so, so that the case really turns upon the question whether the alleged payment to Lampis was ever made or not. The plaintiffs show in the course of their speech that the action can be maintained in Athenian law, since the agreement was made on the Athenian exchange and for the Athenian market, and point out that the special plea is invalidated by Phormio's claim that he has fulfilled the contract by his alleged payment to Lampis, a claim which would certainly constitute a defence in an ordinary action, but would not serve as a ground for a special plea.

Actions of this kind relating to bottomry, or loans upon ships and their cargoes, were common at Athens, which was the centre of a great import and export trade. Many such transactions must have taken place, for example, in connexion with the Euxine corn traffic, the importance of

which is illustrated by §§ 36 and 37 of this speech, as well as in other passages of Demosthenes. 'We consume', he says, 'more imported corn than any of the nations' (*De Corona*, 87). In the *Characters* of Theophrastus, the boastful man is one who stands about near the docks at Peiraeus, and buttonholes strangers in order to tell them 'what vast sums he has upon the seas', while the speeches of Demosthenes against Zenothemis, Lacritus, and Dionysodorus are all concerned with cases of a like nature.

The rate of interest charged for such loans was extremely high, amounting in the present instance to 30 per cent. But it must be remembered that the lender reckoned not only to gain the usual profit on his loan, but also to insure himself, in times before there was any regular insurance, against the numerous risks attendant upon the calling of the merchant-adventurers to whom he supplied capital. Storm, shipwreck, piracy, war, uncertain markets, and above all the fear of total loss, increased the hazardous nature of the business. Compare the following clause, extracted from a comparatively modern insurance policy, quoted by Kennedy (Demosth., vol. iv, p. 350). 'Touching the adventures and perils which we the assurers are contented to bear and take upon us in this voyage, they are of the seas, men-of-war, fire, enemies, pirates, thieves, jettisons, letters of mart and counter-mart, surprisals, arrests, restraints, and detainments of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandizes, and ship, &c., or any part thereof.' Fraudulent dealings on the part both of shipmasters and merchants were by no means uncommon. At the same time it is easy

to infer how profitable this kind of trade was, if the borrower could afford to pay such high rates of interest on loans which perhaps did not run for more than from three to six months.

The speech belongs, as the internal evidence of §§ 8, 34, and 38 shows, to the years immediately following the capture of Thebes in 335 B. C. It falls into two sections, the first being spoken by Chrysippus (§ 1–20 or 21), and the second by his partner (§ 21 or 22–end).

ARGUMENT

[*Chrysippus opens the speech.*]

§§ 1, 2. I claim that I and my partner are reputable merchants, who can face just losses in business, and are not actuated by malicious or litigious motives.

§§ 3–5. Phormio pleads that the action cannot be tried, admitting that the loan was made on the Athenian exchange, but holding that the shipwreck has released him from his obligation. His argument would only serve as a defence in an ordinary trial.

§§ 6–9. The facts of the loan are simple, and I give you them. Phormio, however, was acting unjustly, even before sailing, by raising further loans on the same security.

The Agreement.

Entries of Customs Officers.

§§ 8, 9. He did not deliver my letters to my agent at the Bosporus, in which I warned him to watch Phormio, nor did he ship the return cargo required, being unable to sell his wares, but remained behind when the ship sailed.

Deposition.

§ 10. Lampis was wrecked, but escaped and reached Athens. When the news came to the Bosporus, Phormio was publicly congratulated upon having no goods on board the lost ship.

Depositions.

§ 11. I visited Lampis at once, and was told that Phormio had neither put a cargo on board, nor given him the money to bring to me.

Depositions.

§§ 12–15. Phormio, arriving later, did not contradict the account of Lampis at first, but afterwards he said that he had paid him before the ship sailed. When I summoned Phormio, Lampis, though present, never said that this payment had been made, as might have been expected.

Depositions.

§§ 16, 17. Acting on the report of Lampis, I brought a suit against Phormio last year, and although he put in a special plea, yet the alleged payment was never even mentioned in it.

Plaint.

Special Plea.

§§ 18–20. At the defendant's request I agreed to submit the matter to arbitration. Lampis, suborned by Phormio and ready enough to commit perjury before an arbitrator, now said that Phormio had paid him. When evidence of his previous statement to the contrary was produced, he admitted making it, but said that he was not in his right mind then.

Deposition.

§ 21. The arbitrator, unwilling to pronounce judgement, sent the case to court.

[*Here the partner of Chrysippus takes up the speech.*]

§§ 22–27. How could Phormio have paid? His debts were not covered by the security. At the Bosporus he could barely satisfy those who had lent for the outward voyage only. Yet he says that he paid Lampis more than he actually owed me by thirteen minae. Why should he

repay a sum far exceeding principal and interest before it was necessary?

§§ 28–32. When this strange transaction took place, there were no witnesses except Lampis. This is not the way in which men of business usually discharge their debts.

§§ 33–35. Phormio pleads that he need not pay if the ship should be wrecked. But he is only released from his obligation on this ground provided that he has fulfilled the contract by shipping a return cargo.

§§ 36, 37. He has aggravated his offence by injuring the public as well, for he took advantage of the remission of the duty upon corn in the Bosporus to ship wheat, not to Athens, where there was a serious shortage at the time, but to Macedonia.

Deposition. Law.

§§ 38, 39. His action contrasts unfavourably with ours, who have done our best to serve the State, both in our business and by voluntary contributions.

Depositions.

§§ 40–42. It is therefore absurd to suppose that we are acting maliciously. If Phormio had overpaid us thus, he would not have done so without witnesses. The laws show that the action can be maintained.

Laws.

§§ 43–45. If the action cannot be tried here, where can it be tried? The arbitrator sent it to this court. Suppose he had dismissed it, what would Phormio have done?

§§ 46–49. Lampis alone witnessed the payment, and we claim that he is already discredited. Of his two inconsistent statements, one only is supported by the evidence of others,

the first and true account. Phormio borrowed the money, and has not paid. If you weigh the evidence, you must see that Phormio's case is full of inconsistencies, while our position is excellently attested.

§§ 50–52. Sentence of death has been passed before for a similar offence. Beware of injuring those who supply capital for the conduct of your overseas trade. Rather do they deserve all the support which you can give them, since it is upon them that your welfare depends.

ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ

Δίκαια ὑμῶν δεησόμεθα, ὦ ἄνδρες δικασταί, ἀκοῦσαι ἡμῶν μετ' εὐνοίας ἐν τῷ μέρει λεγόντων, γνόντας ὅτι ἰδιῶται παντελῶς ἐσμέν, καὶ πολὺν χρόνον εἰς τὸ ὑμέτερον ἐμπόριον εἰσαφικνούμενοι καὶ συμβόλαια πολλοῖς συμβάλλοντες οὐδεμίαν πώποτε δίκην πρὸς ὑμᾶς εἰσήλθομεν, οὔτ' ἐγκαλοῦντες οὔτ' ἐγκαλούμενοι ὑφ' ἑτέρων. οὐδ' ἂν νῦν, ἀκριβῶς ἴστε, 2 ὦ ἄνδρες Ἀθηναῖοι, εἰ ὑπελαμβάνομεν ἀπολωλέναι τὰ χρήματα ἐπὶ τῆς νεὼς τῆς διαφθαρείσης, ἃ ἐδανείσαμεν Φορμίωνι, οὐκ ἄν ποτ' ἐλάχομεν τὴν δίκην αὐτῷ· οὐχ οὕτως ἡμεῖς ἀναίσχυντοί ἐσμεν οὐδ' ἄπειροι τοῦ ζημιοῦσθαι. πολλῶν δ' ἡμᾶς κακιζόντων, καὶ μάλιστα τῶν ἐν Βοσπόρῳ ἐπιδημησάντων ἅμα Φορμίωνι, οἵπερ τοῦτον ᾔδεσαν οὐ συναπολέσαντα τὰ χρήματα ἐν τῇ νηί, δεινὸν ἡγούμεθα εἶναι τὸ μὴ βοηθῆσαι ἡμῖν αὐτοῖς ἀδικουμένοις ὑπὸ τούτου.

Περὶ μὲν οὖν τῆς παραγραφῆς βραχύς ἐστιν ὁ λόγος· 3 καὶ γὰρ οὗτοι οὐ τὸ παράπαν συμβόλαιον ἐξαρνοῦνται μὴ γενέσθαι ἐν τῷ ἐμπορίῳ τῷ ὑμετέρῳ, ἀλλ' οὐκέτι εἶναί φασι πρὸς αὐτοὺς οὐδὲν συμβόλαιον· πεποιηκέναι γὰρ οὐδὲν ἔξω τῶν ἐν τῇ συγγραφῇ γεγραμμένων. οἱ μὲν οὖν νόμοι, καθ' 4 οὓς ὑμεῖς δικασταὶ κάθησθε, οὐχ οὕτως λέγουσιν, ἀλλ' ὑπὲρ μὲν τῶν μὴ γενομένων ὅλως συμβολαίων Ἀθήνησι μηδ' εἰς τὸ Ἀθηναίων ἐμπόριον παραγράφεσθαι δεδώκασιν, ἐὰν δέ τις γενέσθαι μὲν ὁμολογῇ, ἀμφισβητῇ δὲ ὡς πάντα πεποίηκεν τὰ συγκείμενα, ἀπολογεῖσθαι κελεύουσιν εὐθυδικίαν εἰσιόντα, οὐ κατηγορεῖν τοῦ διώκοντος. οὐ μὴν ἀλλ' ἔγωγε ἐλπίζω καὶ ἐξ αὐτοῦ τοῦ πράγματος δείξειν εἰσαγώγιμον τὴν δίκην οὖσαν. σκέψασθε δέ, ὦ ἄνδρες Ἀθηναῖοι, ὅ τι ὁμολογεῖται 5 παρ' αὐτῶν τούτων καὶ τί ἀντιλέγεται· οὕτω γὰρ ἂν ἄριστα ἐξετάσαιτε. οὐκοῦν δανείσασθαι μὲν τὰ χρήματα ὁμολογοῦσι

καὶ συνθήκας ποιήσασθαι τοῦ δανείσματος, φασὶν δ' ἀποδεδωκέναι τὸ χρυσίον Λάμπιδι τῷ Δίωνος οἰκέτῃ ἐν Βοσπόρῳ. ἡμεῖς τοίνυν οὐ μόνον τοῦτο δείξομεν, ὡς οὐκ ἀπέδωκεν, ἀλλ' ὡς οὐδ' ἐνῆν αὐτῷ ἀποδοῦναι. ἀναγκαῖον δ' ἐστὶν βραχέα τῶν ἐξ ἀρχῆς διηγήσασθαι ὑμῖν.

6 Ἐγὼ γάρ, ὦ ἄνδρες Ἀθηναῖοι, ἐδάνεισα Φορμίωνι τουτῳὶ εἴκοσι μνᾶς ἀμφοτερόπλουν εἰς τὸν Πόντον ἐπὶ ἑτέρᾳ ὑποθήκῃ, καὶ συγγραφὴν ἐθέμην παρὰ Κίττῳ τῷ τραπεζίτῃ. κελευούσης δὲ τῆς συγγραφῆς ἐνθέσθαι εἰς τὴν ναῦν τετρακισχιλίων φορτία ἄξια, πρᾶγμα ποιεῖ πάντων δεινότατον· εὐθὺς γὰρ ἐν τῷ Πειραιεῖ ἐπιδανείζεται λάθρᾳ ἡμῶν παρὰ μὲν Θεοδώρου τοῦ Φοίνικος τετρακισχιλίας πεντακοσίας δραχμάς,

7 παρὰ δὲ τοῦ ναυκλήρου Λάμπιδος χιλίας δραχμάς. δέον δ' αὐτὸν καταγοράσαι φορτία Ἀθήνηθεν μνῶν ἑκατὸν δέκα πέντε, εἰ ἔμελλεν τοῖς δανεισταῖς πᾶσι ποιήσειν τὰ ἐν ταῖς συγγραφαῖς γεγραμμένα, οὐ κατηγόρασεν ἀλλ' ἢ πεντακισχιλίων καὶ πεντακοσίων δραχμῶν, σὺν τῷ ἐπισιτισμῷ· ὀφείλει δὲ ἑβδομήκοντα μνᾶς καὶ πέντε. ἀρχὴ μὲν οὖν αὕτη ἐγένετο τοῦ ἀδικήματος, ὦ ἄνδρες Ἀθηναῖοι· οὔτε γὰρ τὴν ὑποθήκην παρέσχεν οὔτε τὰ χρήματ' ἐνέθετ' εἰς τὴν ναῦν, κελευούσης τῆς συγγραφῆς ἐπάναγκες ἐντίθεσθαι. καί μοι λαβὲ τὴν συγγραφήν.

ΣΥΓΓΡΑΦΗ.

Λαβὲ δὴ καὶ τὴν τῶν πεντηκοστολόγων ἀπογραφὴν καὶ τὰς μαρτυρίας.

ΑΠΟΓΡΑΦΗ. ΜΑΡΤΥΡΙΑΙ.

8 Ἐλθὼν τοίνυν εἰς τὸν Βόσπορον, ἔχων ἐπιστολὰς παρ' ἐμοῦ, ἃς ἔδωκ' αὐτῷ ἀπενεγκεῖν τῷ παιδὶ τῷ ἐμῷ παραχειμάζοντι ἐκεῖ καὶ κοινωνῷ τινί, γράψας ἐν τῇ ἐπιστολῇ τό τε ἀργύριον ὃ ἐδεδανείκειν καὶ τὴν ὑποθήκην, καὶ προστάξας, ἐπειδὰν τάχιστα ἐξαιρεθῇ τὰ χρήματα, ἐξετάζειν καὶ παρακολουθεῖν, τὰς μὲν ἐπιστολὰς οὐκ ἀποδίδωσιν οὗτος ἃς

ἔλαβεν παρ' ἐμοῦ, ἵνα μηδὲν εἰδείησαν ὧν ἔπραττεν οὗτος, καταλαβὼν δ' ἐν τῷ Βοσπόρῳ μοχθηρὰ τὰ πράγματα διὰ τὸν συμβάντα πόλεμον τῷ Παιρισάδῃ πρὸς τὸν Σκύθην καὶ τῶν φορτίων ὧν ἦγεν πολλὴν ἀπρασίαν, ἐν πάσῃ ἀπορίᾳ ἦν· καὶ γὰρ οἱ δανεισταὶ εἶχοντο αὐτοῦ οἱ τὰ ἑτερόπλοα δανείσαντες. ὥστε τοῦ ναυκλήρου κελεύοντος αὐτὸν καὶ τὴν συγγραφὴν 9 ἐντίθεσθαι τὰ ἀγοράσματα τῶν ἐμῶν χρημάτων, εἶπεν οὗτος ὁ νῦν φάσκων ἀποδεδωκέναι τὸ χρυσίον, ὅτι οὐκ ἂν δύναιτο ἐνθέσθαι εἰς τὴν ναῦν τὰ χρήματα· ἄπρατον γὰρ εἶναι τὸν ῥῶπον. καὶ ἐκεῖνον μὲν ἐκέλευεν ἀνάγεσθαι, αὐτὸς δ', ἐπειδὰν διαθῆται τὰ φορτία, ἐφ' ἑτέρας νεὼς ἔφη ἐκπλεύσεσθαι. καί μοι λέγε ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Μετὰ ταῦτα τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, οὗτος μὲν ἐν τῷ 10 Βοσπόρῳ κατελέλειπτο, ὁ δὲ Λάμπις ἀναχθεὶς ἐναυάγησεν οὐ μακρὰν ἀπὸ τοῦ ἐμπορίου· γεγεμισμένης γὰρ ἤδη τῆς νεώς, ὡς ἀκούομεν, μᾶλλον τοῦ δέοντος, προσανέλαβεν ἐπὶ τὸ κατάστρωμα χιλίας βύρσας, ὅθεν καὶ ἡ διαφθορὰ τῇ νηὶ συνέβη. καὶ αὐτὸς μὲν ἀπεσώθη ἐν τῷ λέμβῳ μετὰ τῶν ἄλλων παίδων τῶν Δίωνος, ἀπώλεσεν δὲ πλέον ἢ τριάκοντα σώματα ἐλεύθερα χωρὶς τῶν ἄλλων. πολλοῦ δὲ πένθους ἐν τῷ Βοσπόρῳ ὄντος ὡς ἐπύθοντο τὴν διαφθορὰν τῆς νεώς, ηὐδαιμόνιζον Φορμίωνα πάντες τουτονί, ὅτι οὔτε συνανήχθη οὔτε ἐνέθετο εἰς τὴν ναῦν οὐδέν. συνέβαινεν δὲ παρά τε τῶν ἄλλων καὶ παρὰ τούτου ὁ αὐτὸς λόγος. καί μοι ἀνάγνωθι ταύτας τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

Αὐτὸς μὲν τοίνυν ὁ Λάμπις, ᾧ φησιν ἀποδεδωκέναι τὸ 11 χρυσίον (τούτῳ γὰρ προσέχετε τὸν νοῦν), προσελθόντος αὐτῷ ἐμοῦ, ἐπειδὴ τάχιστα κατέπλευσεν ἐκ τῆς ναυαγίας Ἀθήναζε, καὶ ἐρωτῶντος ὑπὲρ τούτων, ἔλεγεν ὅτι οὔτε τὰ χρήματα ἔνθοιτο εἰς τὴν ναῦν οὗτος κατὰ τὴν συγγραφήν, οὔτε τὸ

χρυσίον εἰληφὼς εἴη παρ' αὐτοῦ ἐν Βοσπόρῳ τότε. καί μοι ἀνάγνωθι τὴν μαρτυρίαν τῶν παραγενομένων.

ΜΑΡΤΥΡΙΑ.

12 Ἐπειδὴ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, ἐπεδήμησεν Φορμίων οὑτοσὶ σεσῳσμένος ἐφ' ἑτέρας νεώς, προσῆειν αὐτῷ ἀπαιτῶν τὸ δάνειον. καὶ οὗτος κατὰ μὲν ἀρχὰς οὐδεπώποτ', ὦ ἄνδρες Ἀθηναῖοι, εἶπε τὸν λόγον τοῦτον ὃν νυνὶ λέγει, ἀλλ' ἀεὶ ὡμολόγει ἀποδώσειν· ἐπειδὴ δὲ ἀνεκοινώσατο τοῖς νῦν παροῦσιν αὐτῷ καὶ συνδικοῦσιν, ἕτερος ἤδη ἦν καὶ οὐχ
13 ὁ αὐτός. ὡς δ' ἠσθόμην αὐτὸν διακρουόμενόν με, προσέρχομαι τῷ Λάμπιδι, λέγων ὅτι οὐδὲν ποιεῖ τῶν δικαίων Φορμίων οὐδ' ἀποδίδωσι τὸ δάνειον, καὶ ἅμα ἠρόμην αὐτὸν εἰ εἰδείη ὅπου ἐστίν, ἵνα προσκαλεσαίμην αὐτόν. ὁ δ' ἀκολουθεῖν μ' ἐκέλευεν ἑαυτῷ, καὶ καταλαμβάνομεν πρὸς τοῖς μυροπωλίοις τουτονί· κἀγὼ κλητῆρας ἔχων προσεκαλεσάμην
14 αὐτόν. καὶ ὁ Λάμπις, ὦ ἄνδρες Ἀθηναῖοι, παρὼν προσκαλουμένῳ μοι οὐδαμοῦ ἐτόλμησεν εἰπεῖν ὡς ἀπείληφε παρὰ τούτου τὸ χρυσίον, οὐδ' ὃ εἰκὸς ἦν εἶπε 'Χρύσιππε, μαίνει· τί τοῦτον προσκαλεῖ; ἐμοὶ γὰρ ἀποδέδωκε τὸ χρυσίον.' ἀλλὰ μὴ ὅτι Λάμπις ἐφθέγξατο, ἀλλ' οὐδὲ αὐτὸς οὗτος οὐδὲν ἠξίωσεν εἰπεῖν, παρεστηκότος τοῦ Λάμπιδος, ᾧ νῦν φησὶν
15 ἀποδεδωκέναι τὸ χρυσίον. καίτοι εἰκός γ' ἦν αὐτὸν εἰπεῖν, ὦ ἄνδρες Ἀθηναῖοι, 'τί με προσκαλεῖ, ἄνθρωπε; ἀποδέδωκα γὰρ τούτῳ τῷ παρεστηκότι τὸ χρυσίον', καὶ ἅμα ὁμολογοῦντα παρέχειν τὸν Λάμπιν· νυνὶ δ' οὐδέτερος αὐτῶν οὐδ' ὁτιοῦν εἶπεν ἐν τοιούτῳ καιρῷ. καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τὴν μαρτυρίαν τῶν κλητήρων.

ΜΑΡΤΥΡΙΑ.

16 Λαβὲ δή μοι καὶ τὸ ἔγκλημα ὃ ἔλαχον αὐτῷ πέρυσιν· ὃ ἐστιν οὐδενὸς ἔλαττον τεκμήριον, ὅτι οὐδέπω τότ' ἔφησεν Φορμίων ἀποδεδωκέναι τὸ χρυσίον Λάμπιδι.

ΕΓΚΛΗΜΑ.

Τοῦτο τὸ ἔγκλημα ἔγραφον ἐγώ, ὦ ἄνδρες Ἀθηναῖοι, οὐδαμόθεν ἄλλοθεν σκοπῶν ἀλλ' ἢ ἐκ τῆς ἀπαγγελίας τῆς Λάμπιδος, ὃς οὐκ ἔφασκεν οὔτε τὰ χρήματα ἐντεθεῖσθαι τοῦτον οὔτε τὸ χρυσίον ἀπειληφέναι· μὴ γὰρ οἴεσθέ με οὕτως ἀπόπληκτον εἶναι καὶ παντελῶς μαινόμενον, ὥστε τοιοῦτο γράφειν ἔγκλημα ὁμολογοῦντος τοῦ Λάμπιδος ἀπειληφέναι τὸ χρυσίον, ὑφ' οὗ ἔμελλον ἐξελεγχθήσεσθαι.

Ἔτι δέ, ὦ ἄνδρες Ἀθηναῖοι, κἀκεῖνο σκέψασθε· αὐτοὶ 17
γὰρ οὗτοι παραγραφὴν διδόντες πέρυσιν, οὐκ ἐτόλμησαν ἐν τῇ παραγραφῇ γράψαι ὡς ἀποδεδώκασιν Λάμπιδι τὸ χρυσίον. καί μοι λαβὲ αὐτὴν τὴν παραγραφήν.

ΠΑΡΑΓΡΑΦΗ.

Ἀκούετε, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐδαμοῦ γέγραπται ἐν τῇ παραγραφῇ ὡς ἀποδέδωκεν τὸ χρυσίον Φορμίων Λάμπιδι, καὶ ταῦτ' ἐμοῦ διαρρήδην γράψαντος εἰς τὸ ἔγκλημα ὃ ἠκούσατε ἀρτίως, ὅτι οὔτε τὰ χρήματα ἔνθοιτο εἰς τὴν ναῦν οὔτ' ἀπέδωκεν τὸ χρυσίον. τίνα οὖν ἄλλον χρὴ περιμένειν ὑμᾶς μάρτυρα, ὅταν τηλικαύτην μαρτυρίαν παρ' αὐτῶν τούτων ἔχητε;

Μελλούσης δὲ τῆς δίκης εἰσιέναι εἰς τὸ δικαστήριον 18
ἐδέοντο ἡμῶν ἐπιτρέψαι τινί· καὶ ἡμεῖς ἐπετρέψαμεν Θεοδότῳ ἰσοτελεῖ κατὰ συνθήκας. καὶ ὁ Λάμπις μετὰ ταῦτα νομίσας αὐτῷ ἀσφαλὲς ἤδη εἶναι πρὸς διαιτητῇ μαρτυρεῖν ὅ τι βούλοιτο, μερισάμενος τὸ ἐμὸν χρυσίον μετὰ Φορμίωνος τουτουί, ἐμαρτύρει τἀναντία οἷς πρότερον εἰρήκει. οὐ γὰρ 19
ὅμοιόν ἐστιν, ὦ ἄνδρες Ἀθηναῖοι, εἰς τὰ ὑμέτερα πρόσωπα ἐμβλέποντα τὰ ψευδῆ μαρτυρεῖν καὶ πρὸς διαιτητῇ· παρ' ὑμῖν μὲν γὰρ ὀργὴ μεγάλη καὶ τιμωρία ὑπόκειται τοῖς τὰ ψευδῆ μαρτυροῦσιν, πρὸς δὲ τῷ διαιτητῇ ἀκινδύνως καὶ ἀναισχύντως μαρτυροῦσιν ὅ τι ἂν βούλωνται. ἀγανακτοῦντος δέ μου καὶ σχετλιάζοντος, ὦ ἄνδρες Ἀθηναῖοι, ἐπὶ τῇ τόλμῃ

20 τοῦ Λάμπιδος, καὶ παρεχομένου πρὸς τὸν διαιτητὴν τὴν αὐτὴν μαρτυρίαν ἥνπερ καὶ νῦν πρὸς ὑμᾶς παρέχομαι, τῶν ἐξ ἀρχῆς προσελθόντων αὐτῷ μεθ' ἡμῶν, ὅτε οὔτε τὸ χρυσίον ἔφη ἀπειληφέναι παρὰ τούτου οὔτε τὰ χρήματα αὐτὸν ἐνθέσθαι εἰς τὴν ναῦν, οὕτως ὁ Λάμπις κατὰ κράτος ἐξελεγχόμενος τὰ ψευδῆ μαρτυρῶν καὶ πονηρὸς ὤν, ὡμολόγει μὲν εἰρηκέναι ταῦτα πρὸς τοῦτον, οὐ μέντοι γε ἐντὸς ὢν εἰπεῖν αὐτοῦ. καί μοι ἀνάγνωθι ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

21 Ἀκούσας τοίνυν ἡμῶν, ὦ ἄνδρες Ἀθηναῖοι, ὁ Θεόδοτος πολλάκις, καὶ νομίσας τὸν Λάμπιν ψευδῆ μαρτυρεῖν, οὐκ ἀπέγνω τῆς δίκης, ἀλλ' ἐφῆκεν ἡμᾶς εἰς τὸ δικαστήριον· καταγνῶναι μὲν γὰρ οὐκ ἐβουλήθη διὰ τὸ οἰκείως ἔχειν Φορμίωνι τουτῳί, ὡς ἡμεῖς ὕστερον ἐπυθόμεθα, ἀπογνῶναι
22 δὲ τῆς δίκης ὤκνει, ἵν' αὐτὸς μὴ ἐπιορκήσειεν. ἐξ αὐτοῦ δὴ τοῦ πράγματος λογίσασθε, ὦ ἄνδρες δικασταί, παρ' ὑμῖν αὐτοῖς, ὁπόθεν ἔμελλεν οὗτος ἀποδώσειν τὸ χρυσίον. ἐνθένδε μὲν γὰρ ἐξέπλει οὐκ ἐνθέμενος εἰς τὴν ναῦν τὰ χρήματα καὶ ὑποθήκην οὐκ ἔχων, ἀλλ' ἐπὶ τοῖς ἐμοῖς χρήμασιν ἐπιδανεισάμενος· ἐν Βοσπόρῳ δ' ἀπρασίαν τῶν φορτίων κατέλαβεν,
23 καὶ τοὺς τὰ ἑτερόπλοα δανείσαντας μόλις ἀπήλλαξεν. καὶ οὗτος μὲν ἐδάνεισεν αὐτῷ δισχιλίας δραχμὰς ἀμφοτερόπλουν, ὥστ' ἀπολαβεῖν Ἀθήνησιν δισχιλίας ἑξακοσίας δραχμάς· Φορμίων δέ φησιν ἀποδοῦναι Λάμπιδι ἐν Βοσπόρῳ ἑκατὸν καὶ εἴκοσι στατῆρας Κυζικηνούς (τούτῳ γὰρ προσέχετε τὸν νοῦν) δανεισάμενος ἐγγείων τόκων. ἦσαν δὲ ἕφεκτοι οἱ ἔγγειοι τόκοι, ὁ δὲ Κυζικηνὸς ἐδύνατο ἐκεῖ εἴκοσι καὶ ὀκτὼ
24 δραχμὰς Ἀττικάς. δεῖ δὴ μαθεῖν ὑμᾶς ὅσα φησὶν χρήματα ἀποδεδωκέναι. τῶν μὲν γὰρ ἑκατὸν εἴκοσι στατήρων γίγνονται τρισχίλιαι τριακόσιαι ἑξήκοντα, ὁ δὲ τόκος ὁ ἔγγειος ὁ ἕφεκτος τῶν τριάκοντα μνῶν καὶ τριῶν καὶ ἑξήκοντα πεντακόσιαι δραχμαὶ καὶ ἑξήκοντα· τὸ δὲ σύμπαν κεφάλαιον

γίγνεται τόσον καὶ τόσον. ἔστιν οὖν, ὦ ἄνδρες δικασταί, 25
οὗτος ὁ ἄνθρωπος ἢ γενήσεταί ποτε, ὃς ἀντὶ δισχιλίων
ἑξακοσίων δραχμῶν τριάκοντα μνᾶς καὶ τριακοσίας καὶ ἑξή-
κοντα ἀποτίνειν προείλετ' ἄν, καὶ τόκον πεντακοσίας δραχμὰς
καὶ ἑξήκοντα δανεισάμενος, ἃς φησιν ἀποδεδωκέναι Φορμίων
Λάμπιδι, τρισχιλίας ἐνακοσίας εἴκοσι; ἐξὸν δ' αὐτῷ ἀμφο-
τερόπλουν Ἀθήνησιν ἀποδοῦναι τὸ ἀργύριον, ἐν Βοσπόρῳ
ἀπέδωκε, τρισὶ καὶ δέκα μναῖς πλέον; καὶ τοῖς μὲν τὰ ἑτερό- 26
πλοα δανείσασι μόλις τἀρχαῖον ἀποδέδωκας, οἳ συνέπλευσάν
σοι καὶ προσήδρευον· τούτῳ δὲ τῷ μὴ παρόντι οὐ μόνον
τἀρχαῖα καὶ τοὺς τόκους ἀπεδίδους, ἀλλὰ καὶ τὰ ἐπιτίμια τὰ
ἐκ τῆς συγγραφῆς ἀπέτινες, οὐδεμιᾶς σοι ἀνάγκης οὔσης;
κἀκείνους μὲν οὐκ ἐδεδίεις, οἷς αἱ συγγραφαὶ ἐν Βοσπόρῳ τὴν 27
πρᾶξιν ἐδίδοσαν τοῦ δανείου· τούτου δὲ φὴς φροντίζειν, ὃν ἐξ
ἀρχῆς εὐθὺς ἠδίκεις οὐκ ἐνθέμενος τὰ χρήματα εἰς τὴν ναῦν
κατὰ τὴν συγγραφὴν Ἀθήνηθεν; καὶ νῦν μὲν εἰς τὸ ἐμπόριον
ἥκων, οὗ τὸ συμβόλαιον ἐγένετο, οὐκ ὀκνεῖς ἀποστερεῖν τὸν
δανείσαντα· ἐν Βοσπόρῳ δὲ πλείω τῶν δικαίων φὴς ποιεῖν, οὗ
δίκην οὐκ ἔμελλες δώσειν; καὶ οἱ μὲν ἄλλοι πάντες οἱ τὰ 28
ἀμφοτερόπλοα δανειζόμενοι, ὅταν ἀποστέλλωνται ἐκ τῶν
ἐμπορίων, πολλοὺς παρίστανται, ἐπιμαρτυρόμενοι ὅτι τὰ χρή-
ματα ἤδη κινδυνεύεται τῷ δανείσαντι· σὺ δ' ἐνὶ σκήπτει μάρ-
τυρι αὐτῷ τῷ συναδικοῦντι, καὶ οὔτε τὸν παῖδα τὸν ἡμέτερον
παρέλαβες ἐν Βοσπόρῳ ὄντα οὔτε τὸν κοινωνόν, οὐδὲ τὰς
ἐπιστολὰς ἀπέδωκας αὐτοῖς, ἃς ἡμεῖς ἐπεθήκαμεν, ἐν αἷς ἐγέ-
γραπτο παρακολουθεῖν σοι οἷς ἂν πράττῃς; καίτοι, ὦ ἄνδρες 29
δικασταί, τί οὐκ ἂν πράξειεν ὁ τοιοῦτος, ὅστις γράμματα λα-
βὼν μὴ ἀποδέδωκεν ὀρθῶς καὶ δικαίως; ἢ πῶς οὐ φανερόν
ἐστιν ὑμῖν τὸ τούτου κακούργημα ἐξ αὐτῶν ὧν ἔπραττεν; καί-
τοι, ὦ γῆ καὶ θεοί, προσῆκέν γε τοσοῦτο χρυσίον ἀποδιδόντα,
καὶ πλέον τοῦ δανείσματος, περιβόητον ποιεῖν ἐν τῷ ἐμπορίῳ,
καὶ παρακαλεῖν πάντας ἀνθρώπους, πρῶτον δὲ τὸν παῖδα τὸν
τούτου καὶ τὸν κοινωνόν· ἴστε γὰρ δήπου πάντες ὅτι δανεί- 30

ζονται μὲν μετ' ὀλίγων μαρτύρων, ὅταν δ' ἀποδιδῶσιν, πολλοὺς παρίστανται μάρτυρας, ἵνα ἐπιεικεῖς δοκῶσιν εἶναι περὶ τὰ συμβόλαια. σοὶ δ' ἀποδιδόντι τό τε δάνειον καὶ τοὺς τόκους ἀμφοτέρους, ἑτερόπλῳ τῷ ἀργυρίῳ κεχρημένῳ, καὶ προστιθέντι ἑτέρας τρεῖς καὶ δέκα μνᾶς, πῶς οὐχὶ πολλοὺς ἦν παραληπτέον μάρτυρας; καὶ εἰ τοῦτο ἔπραξας, οὐδ'
31 ἂν εἷς σοῦ μᾶλλον τῶν πλεόντων ἐθαυμάζετο. σὺ δ' ἀντὶ τοῦ πολλοὺς μάρτυρας τούτων ποιεῖσθαι πάντας ἀνθρώπους λανθάνειν ἐπειρῶ, ὥσπερ ἀδικῶν τι. καὶ εἰ μὲν ἐμοὶ τῷ δανείσαντι ἀπεδίδους, οὐδὲν ἂν ἔδει μαρτύρων· τὴν γὰρ συγγραφὴν ἀνελόμενος ἀπήλλαξο ἂν τοῦ συμβολαίου· νῦν δ' οὐκ ἐμοί, ἀλλ' ἑτέρῳ ὑπὲρ ἐμοῦ ἀποδιδούς, καὶ οὐκ Ἀθήνησιν, ἀλλ' ἐν Βοσπόρῳ, καὶ τῆς συγγραφῆς σοι κειμένης Ἀθήνησι καὶ πρὸς ἐμέ, καὶ ᾧ τὸ χρυσίον ἀπεδίδους ὄντος θνητοῦ καὶ πέλαγος τοσοῦτον μέλλοντος πλεῖν, μάρτυρα
32 οὐδένα ἐποιήσω, οὔτε δοῦλον οὔτ' ἐλεύθερον. ἡ γὰρ συγγραφή με, φησί, τῷ ναυκλήρῳ ἐκέλευεν ἀποδοῦναι τὸ χρυσίον. μάρτυρας δέ γ' οὐκ ἐκώλυεν παρακαλεῖν, οὐδὲ τὰς ἐπιστολὰς ἀποδοῦναι. καὶ οἵδε μὲν πρὸς σὲ δύο συγγραφὰς ἐποιήσαντο ὑπὲρ τοῦ συμβολαίου, ὡς ἂν οἱ μάλιστ' ἀπιστοῦντες· σὺ δὲ μόνος μόνῳ φὴς δοῦναι τῷ ναυκλήρῳ τὸ χρυσίον, εἰδὼς κατὰ σοῦ κειμένην Ἀθήνησι συγγραφὴν πρὸς τοῦτον.

33 Λέγει δὲ ὡς ἡ συγγραφὴ σωθείσης τῆς νεὼς αὐτὸν ἀποδοῦναι κελεύει τὰ χρήματα. καὶ γὰρ ἐνθέσθαι τἀγοράσματα εἰς τὴν ναῦν κελεύει σε, εἰ δὲ μή, πεντακισχιλίας δραχμὰς ἀποτίνειν. σὺ δὲ τοῦτο μὲν τῆς συγγραφῆς οὐ λαμβάνεις, παραβεβηκὼς δ' εὐθὺς ἐξ ἀρχῆς καὶ τὰ χρήματα οὐκ ἐνθέμενος ἀμφισβητεῖς πρὸς ἓν ῥῆμα τῶν ἐν τῇ συγγραφῇ, καὶ τοῦτ' ἀνῃρηκὼς αὐτός. ὁπότε γὰρ ἐν τῷ Βοσπόρῳ φὴς μὴ τὰ χρήματα ἐνθέσθαι εἰς τὴν ναῦν, ἀλλὰ τὸ χρυσίον τῷ ναυκλήρῳ ἀποδοῦναι, τί ἔτι περὶ τῆς νεὼς διαλέγει; οὐ γὰρ
34 μετέσχηκας τοῦ κινδύνου διὰ τὸ μηδὲν ἐνθέσθαι. καὶ τὸ

μὲν πρῶτον, ὦ ἄνδρες δικασταί, ὥρμησεν ἐπὶ ταύτην τὴν σκῆψιν, ὡς ἐντεθειμένος τὰ χρήματα εἰς τὴν ναῦν· ἐπειδὴ δὲ τοῦτο ἐκ πολλῶν ἔμελλεν ἐλεγχθήσεσθαι ψευδόμενος, ἔκ τε τῆς ἀπογραφῆς τῆς ἐν Βοσπόρῳ παρὰ τοῖς ἐλλιμενισταῖς καὶ ὑπὸ τῶν ἐν τῷ ἐμπορίῳ ἐπιδημούντων κατὰ τὸν αὐτὸν χρόνον, τηνικαῦτα μεταβαλόμενος συνίσταται μετὰ τοῦ Λάμπιδος καί φησιν ἐκείνῳ τὸ χρυσίον ἀποδεδωκέναι, ἐφόδιον 35
μὲν λαβὼν τὸ τὴν συγγραφὴν κελεύειν, οὐκ ἂν ἡγούμενος δ' ἡμᾶς εὐπόρως ἐξελέγξαι ὅσα μόνοι πρὸς αὐτοὺς αὐτοὶ πράξειαν. καὶ ὁ Λάμπις, ὅσα μὲν εἶπεν πρὸς ἐμὲ πρὶν ὑπὸ τούτου διαφθαρῆναι, οὐκ ἐντὸς ὢν αὐτοῦ φησιν εἰπεῖν· ἐπειδὴ δὲ τὸ χρυσίον τοὐμὸν ἐμερίσατο, τότ' ἐντὸς εἶναί φησιν αὐτοῦ καὶ πάντ' ἀκριβῶς μνημονεύειν.

Εἰ μὲν οὖν, ὦ ἄνδρες δικασταί, ἐμοῦ μόνου κατεφρόνει 36
Λάμπις, οὐδὲν ἂν ἦν θαυμαστόν· νῦν δὲ πολλῷ δεινότερα τούτου πέπρακται αὐτῷ πρὸς πάντας ὑμᾶς. κήρυγμα γὰρ ποιησαμένου Παιρισάδου ἐν Βοσπόρῳ, ἐάν τις βούληται Ἀθήναζε εἰς τὸ Ἀττικὸν ἐμπόριον σιτηγεῖν, ἀτελῆ τὸν σῖτον ἐξάγειν, ἐπιδημῶν ἐν τῷ Βοσπόρῳ ὁ Λάμπις ἔλαβε τὴν ἐξαγωγὴν τοῦ σίτου καὶ τὴν ἀτέλειαν ἐπὶ τῷ τῆς πόλεως ὀνόματι, γεμίσας δὲ ναῦν μεγάλην σίτου ἐκόμισεν εἰς Ἄκανθον κἀκεῖ διέθετο ὁ προσκοινωνήσας τούτῳ ἀπὸ τῶν ὑμετέρων χρημάτων. καὶ ταῦτ' ἔπραξεν, ὦ ἄνδρες δικασταί, 37
οἰκῶν μὲν Ἀθήνησιν, οὔσης δ' αὐτῷ γυναικὸς ἐνθάδε καὶ παίδων, τῶν δὲ νόμων τὰ ἔσχατα ἐπιτίμια προτεθηκότων, εἴ τις οἰκῶν Ἀθήνησιν ἄλλοσέ ποι σιτηγήσειεν ἢ εἰς τὸ Ἀττικὸν ἐμπόριον, ἔτι δ' ἐν τοιούτῳ καιρῷ, ἐν ᾧ ὑμῶν οἱ μὲν ἐν τῷ ἄστει οἰκοῦντες διεμετροῦντο τὰ ἄλφιτα ἐν τῷ ᾠδείῳ, οἱ δ' ἐν τῷ Πειραιεῖ ἐν τῷ νεωρίῳ ἐλάμβανον κατ' ὀβολὸν τοὺς ἄρτους καὶ ἐπὶ τῆς μακρᾶς στοᾶς τὰ ἄλφιτα, καθ' ἡμίεκτον μετρούμενοι καὶ καταπατούμενοι. καὶ ὅτι ἀληθῆ λέγω λαβέ μοι τήν τε μαρτυρίαν καὶ τὸν νόμον.

ΜΑΡΤΥΡΙΑ. ΝΟΜΟΣ.

38 Φορμίων τοίνυν τούτῳ χρώμενος κοινωνῷ καὶ μάρτυρι οἴεται δεῖν ἀποστερῆσαι τὰ χρήματα ἡμᾶς, οἵ γε σιτηγοῦντες διατετελέκαμεν εἰς τὸ ὑμέτερον ἐμπόριον, καὶ τριῶν ἤδη καιρῶν κατειληφότων τὴν πόλιν, ἐν οἷς ὑμεῖς τοὺς χρησίμους τῷ δήμῳ ἐξητάζετε, οὐδενὸς τούτων ἀπολελείμμεθα, ἀλλ' ὅτε μὲν εἰς Θήβας Ἀλέξανδρος παρῆει, ἐπεδώ-
39 καμεν ὑμῖν τάλαντον ἀργυρίου· ὅτε δ' ὁ σῖτος ἐπετιμήθη τὸ πρότερον καὶ ἐγένετο ἑκκαίδεκα δραχμῶν, εἰσαγαγόντες πλείους ἢ μυρίους μεδίμνους πυρῶν διεμετρήσαμεν ὑμῖν τῆς καθεστηκυίας τιμῆς, πέντε δραχμῶν τὸν μέδιμνον, καὶ ταῦτα πάντες ἴστε ἐν τῷ πομπείῳ διαμετρούμενοι· πέρυσι δὲ εἰς τὴν σιτωνίαν τὴν ὑπὲρ τοῦ δήμου τάλαντον ὑμῖν ἐπεδώκαμεν ἐγώ τε καὶ ὁ ἀδελφός. καί μοι ἀνάγνωθι τούτων τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

40 Ἀλλὰ μὴν εἴ γε δεῖ καὶ τούτοις τεκμαίρεσθαι, οὐκ εἰκὸς ἦν ἐπιδιδόναι μὲν ἡμᾶς τοσαῦτα χρήματα, ἵνα παρ' ὑμῖν εὐδοξῶμεν, συκοφαντεῖν δὲ Φορμίωνα, ἵνα καὶ τὴν ὑπάρχουσαν ἐπιείκειαν ἀποβάλωμεν. δικαίως ἂν οὖν βοηθήσαιτε ἡμῖν, ὦ ἄνδρες δικασταί. ἐπέδειξα γὰρ ὑμῖν οὔτ' ἐξ ἀρχῆς τὰ φορτία ἐνθέμενον τοῦτον εἰς τὴν ναῦν ἁπάντων ὧν ἐδανείσατο Ἀθήνηθεν, τῶν τ' ἐν τῷ Βοσπόρῳ πραθέντων τοὺς
41 τὰ ἑτερόπλοα δανείσαντας μόλις διαλύσαντα, ἔτι δ' οὔτ' εὐποροῦντα οὔθ' οὕτως ὄντ' ἀβέλτερον ὥστ' ἀντὶ δισχιλίων καὶ ἑξακοσίων δραχμῶν τριάκοντα μνᾶς καὶ ἐννέα ἀποδοῦναι, πρός τε τούτοις, ὅτε ἀποδοῦναί φησιν τὸ χρυσίον τῷ Λάμπιδι, οὔτε τὸν παῖδα παραλαβόντα τὸν ἐμὸν οὔτε τὸν κοινωνὸν ἐπιδημοῦντα ἐν Βοσπόρῳ. ἐμοὶ δὲ Λάμπις αὐτὸς μαρτυρῶν φαίνεται ὡς οὐκ ἀπείληφεν τὸ χρυσίον, πρὶν ὑπὸ
42 τούτου διαφθαρῆναι. καίτοι εἰ καθ' ἓν ἕκαστον οὕτως ἐδείκνυεν Φορμίων, οὐκ οἶδ' ὅπως ἂν ἄλλως ἄμεινον ἀπελο-

γήσατο. ὑπὲρ δὲ τοῦ τὴν δίκην εἰσαγώγιμον εἶναι ὁ νόμος αὐτὸς διαμαρτύρεται, κελεύων τὰς δίκας εἶναι τὰς ἐμπορικὰς τῶν συμβολαίων τῶν Ἀθήνησιν καὶ εἰς τὸ Ἀθηναίων ἐμπόριον, καὶ οὐ μόνον τῶν Ἀθήνησιν, ἀλλὰ καὶ ὅσα ἂν γένηται ἕνεκα τοῦ πλοῦ τοῦ Ἀθήναζε. λαβὲ δή μοι τοὺς νόμους.

ΝΟΜΟΙ.

Ὡς μὲν τοίνυν γεγονέ μοι τὸ συμβόλαιον πρὸς Φορμίων' 43
Ἀθήνησιν, οὐδ' αὐτοὶ ἔξαρνοί εἰσιν, παραγράφονται δὲ ὡς οὐκ εἰσαγώγιμον τὴν δίκην οὖσαν. ἀλλ' εἰς ποῖον δικαστήριον εἰσέλθωμεν, ἄνδρες δικασταί, εἰ μὴ πρὸς ὑμᾶς, οὗπερ τὸ συμβόλαιον ἐποιησάμεθα; δεινὸν γὰρ ἂν εἴη, εἰ μὲν ἕνεκα τοῦ πλοῦ τοῦ Ἀθήναζε ἠδικούμην, εἶναί ἄν μοι παρ' ὑμῖν τὸ δίκαιον λαβεῖν παρὰ Φορμίωνος, ἐπειδὴ δὲ τὸ συμβόλαιον ἐν τῷ ὑμετέρῳ ἐμπορίῳ γέγονεν, μὴ φάσκειν παρ' ὑμῖν τούτους ὑφέξειν τὴν δίκην. καὶ ὅτε μὲν Θεοδότῳ τὴν 44
δίαιταν ἐπετρέψαμεν, ὡμολόγησαν εἶναι καθ' αὑτῶν ἐμοὶ τὴν δίκην εἰσαγώγιμον· νυνὶ δὲ τοὐναντίον λέγουσιν ὧν πρότερον αὐτοὶ συγκεχωρήκασιν, ὡς δέον παρὰ μὲν τῷ Θεοδότῳ τῷ ἰσοτελεῖ ὑποσχεῖν αὐτοὺς δίκην ἄνευ παραγραφῆς, ἐπειδὴ δὲ εἰς τὸ Ἀθηναίων δικαστήριον εἰσερχόμεθα, μηκέτ' εἰσαγώγιμον τὴν δίκην εἶναι. ἐνθυμοῦμαι δ' ἔγωγε, τί ἄν ποτε 45
εἰς τὴν παραγραφὴν ἔγραψεν, εἰ ὁ Θεόδοτος ἀπέγνω τῆς δίκης, ὅπου νῦν γνόντος τοῦ Θεοδότου ἀπιέναι ἡμᾶς εἰς τὸ δικαστήριον οὗ φησι τὴν δίκην εἶναι εἰσαγώγιμον παρ' ὑμῖν, πρὸς οὓς ἐκεῖνος ἔγνω ἀπιέναι. πάθοιμι μέντἂν δεινότατα, εἰ οἱ μὲν νόμοι τῶν Ἀθήνησι συμβολαίων κελεύουσι τὰς δίκας εἶναι πρὸς τοὺς θεσμοθέτας, ὑμεῖς δὲ ἀπογνοίητε τῆς δίκης ὀμωμοκότες κατὰ τοὺς νόμους ψηφιεῖσθαι.

Τοῦ μὲν οὖν δανεῖσαι ἡμᾶς τὰ χρήματα αἵ τε συνθῆκαι 46
καὶ αὐτὸς οὗτός ἐστι μάρτυς· τοῦ δ' ἀποδεδωκέναι οὐδείς ἐστι μάρτυς ἔξω τοῦ Λάμπιδος τοῦ συναδικοῦντος. καὶ οὗτος μὲν εἰς ἐκεῖνον μόνον ἀναφέρει τὴν ἀπόδοσιν, ἐγὼ δ' εἴς τε

τὸν Λάμπιν αὐτὸν καὶ τοὺς ἀκούσαντας αὐτοῦ ὅτε οὐκ ἔφη ἀπειληφέναι τὸ χρυσίον. τούτῳ μὲν οὖν τοὺς ἐμοὺς μάρτυρας ἔξεστι κρίνειν, εἰ μή φησι τἀληθῆ μαρτυρεῖν αὐτούς· ἐγὼ δ' οὐκ ἔχω τί χρήσωμαι τοῖς τούτου μάρτυσιν, οἳ φασιν εἰδέναι τὸν Λάμπιν μαρτυροῦντα ἀπειληφέναι τὸ χρυσίον. εἰ μὲν γὰρ ἡ μαρτυρία ἡ τοῦ Λάμπιδος κατεβάλλετο ἐνταῦθα, ἴσως ἂν ἔφασαν οὗτοι δίκαιον εἶναι ἐπισκήπτεσθαί μ' ἐκείνῳ· νῦν δ' οὔτε τὴν μαρτυρίαν ταύτην ἔχω, οὑτοσί τε οἴεται δεῖν ἀθῷος εἶναι οὐδὲν βέβαιον ἐνέχυρον καταλιπὼν ὧν πείθει
47 ὑμᾶς ψηφίζεσθαι. πῶς δ' οὐκ ἂν εἴη ἄτοπον, εἰ αὐτοῦ Φορμίωνος ὁμολογοῦντος δανείσασθαι, φάσκοντος δὲ ἀποδεδωκέναι, τὸ μὲν ὁμολογούμενον ὑπ' αὐτοῦ τούτου ἄκυρον ποιήσαιτε, τὸ δὲ ἀμφισβητούμενον κύριον ψηφίσαισθε; καὶ ὁ μὲν Λάμπις, ᾧ οὗτος σκήπτεται μάρτυρι, μαρτυρεῖ ἕξαρνος γενόμενος τὸ ἐξ ἀρχῆς ὡς οὐκ ἀπείληφεν τὸ χρυσίον· ὑμεῖς δὲ γνοίητε ὡς ἀπείληφεν ἐκεῖνος, ᾧ οὐκ εἰσὶ μάρτυρες τοῦ
48 πράγματος; καὶ ὅσα μὲν εἶπε μετὰ τῆς ἀληθείας, μὴ χρήσαισθε τεκμηρίῳ, ἃ δ' ἐψεύσατο ὕστερον, ἐπειδὴ διεφθάρη, πιστότερα ταῦθ' ὑπολάβοιτε εἶναι; καὶ μήν, ὦ ἄνδρες Ἀθηναῖοι, πολὺ δικαιότερόν ἐστιν τοῖς ἐξ ἀρχῆς ῥηθεῖσι τεκμαίρεσθαι μᾶλλον ἢ τοῖς ὕστερον τεκταινομένοις. τὰ μὲν γὰρ οὐκ ἐκ παρασκευῆς, ἀλλ' ἐκ τῆς ἀληθείας ἔλεγεν, τὰ δ'
49 ὕστερον ψευδόμενος καὶ πρὸς τὸ συμφέρον αὑτῷ. ἀναμνήσθητε δέ, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐδ' αὐτὸς ὁ Λάμπις ἕξαρνος ἐγένετο ὡς οὐκ εἴη εἰρηκὼς ὅτι οὐκ ἀπείληφεν τὸ χρυσίον, ἀλλ' εἰπεῖν μὲν ὡμολόγει, οὐ μέντοι γε ἐντὸς ὢν αὐτοῦ εἰπεῖν. οὔκουν ἄτοπον, εἰ τῆς ἐκείνου μαρτυρίας τὸ μὲν πρὸς τοῦ ἀποστεροῦντος πιστῶς ἀκούσεσθε, τὸ δ'
50 ὑπὲρ τῶν ἀποστερουμένων ἄπιστον ἔσται παρ' ὑμῖν; μηδαμῶς, ὦ ἄνδρες δικασταί. ὑμεῖς γάρ ἐστε οἱ αὐτοὶ οἱ τὸν ἐπιδεδανεισμένον ἐκ τοῦ ἐμπορίου πολλὰ χρήματα καὶ τοῖς δανεισταῖς οὐ παρασχόντα τὰς ὑποθήκας θανάτῳ ζημιώσαντες εἰσαγγελθέντα ἐν τῷ δήμῳ, καὶ ταῦτα πολίτην ὑμέτερον

ὄντα καὶ πατρὸς ἐστρατηγηκότος. ἠγεῖσθε γὰρ τοὺς τοιού- 51
τους οὐ μόνον τοὺς ἐντυγχάνοντας ἀδικεῖν, ἀλλὰ καὶ κοινῇ
βλάπτειν τὸ ἐμπόριον ὑμῶν, εἰκότως. αἱ γὰρ εὐπορίαι τοῖς
ἐργαζομένοις οὐκ ἀπὸ τῶν δανειζομένων, ἀλλ' ἀπὸ τῶν
δανειζόντων εἰσίν, καὶ οὔτε ναῦν οὔτε ναύκληρον οὔτ' ἐπι-
βάτην ἔστ' ἀναχθῆναι, τὸ τῶν δανειζόντων μέρος ἂν ἀφαι-
ρεθῇ. ἐν μὲν οὖν τοῖς νόμοις πολλαὶ καὶ καλαὶ βοήθειαί 52
εἰσιν αὐτοίς· ὑμᾶς δὲ δεῖ συνεπανορθοῦντας φαίνεσθαι καὶ
μὴ συγχωροῦντας τοῖς πονηροῖς, ἵν' ὑμῖν ὡς πλείστη ὠφέ-
λειά παρὰ τὸ ἐμπόριον ᾖ. ἔσται δέ, ἐὰν διαφυλάττητε τοὺς
τὰ ἑαυτῶν προϊεμένους, καὶ μὴ ἐπιτρέπητε ἀδικεῖσθαι ὑπὸ
τῶν τοιούτων θηρίων.

Ἐγὼ μὲν οὖν ὅσαπερ οἷός τ' ἦν εἴρηκα· καλῶ δὲ καὶ
ἄλλον τινὰ τῶν φίλων, ἐὰν κελεύητε.

ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ

INTRODUCTION

THIS speech against Boeotus discloses a story of tangled family relationships, and raises a number of interesting questions relating to the rights of citizenship, and the difficulties which arise when two men, sons of the same father, both enrolled as Athenian citizens, bear the same name.

Mantias, of the deme or parish of Thoricus, married the daughter of one Polyaratus, and widow of a son of the famous demagogue Cleon. By her he had two sons, of whom one died in early childhood, while the other, the plaintiff in the case, was duly enrolled in the registers both of the clan and the parish as Mantitheus. Mantias, however, had also a mistress named Plangon, daughter of Pamphilus. She too bore him two sons, Boeotus, the defendant, and Pamphilus, both of whom were entitled to citizen rights by the law of Pericles, since both parents were themselves citizens; for it seems clear that the right to this privilege did not depend upon legitimacy, but only required adoption or public recognition of parentage on the part of the father.

Mantias at first refused to acknowledge these two boys as his children, but Boeotus, when he began to grow up, instituted legal proceedings with the aid of some friends in order to secure his recognition. Mantias, fearing the publicity of a trial for political reasons not specified, proposed a settlement by arbitration. Plangon was to make a declaration upon oath whether Boeotus and his brother were her children by Mantias or not. By an arrangement made privately beforehand, she agreed that in consideration

of the payment of a certain sum of money to a third party on her behalf, she would refuse to take the oath when invited to swear that Mantias was their father. When the time arrived, however, she upset all his calculations by stating unexpectedly that he was the father of her sons. He was therefore compelled to enrol them both in the *φρατρία* or clan according to the usual custom. This first enrolment of the sons of citizens took place normally in early childhood. They were registered accordingly as Boeotus and Pamphilus.

Mantias was dead before the time came for their enrolment in the *ληξιαρχικὸν γραμματεῖον*, the register of citizens kept by the demes or parishes. This second ceremony, before the members of his parish, at the age of eighteen or over, entitled the young Athenian to claim any property to which he had a right, and to take part in the meetings of the ecclesia, and also rendered him liable to military service ; the only privileges which he could not yet exercise as a citizen were those of holding office and of serving on the juries, for which he had to wait until the age of thirty. Boeotus, pretending that he was dissatisfied with his name, succeeded in getting himself registered as Mantitheus, claiming that he was entitled, as the elder, to the name of his paternal grandfather. This claim Mantitheus does not dispute in so many words, but submits that he was the first to be enrolled on the clan-register, and that it is only from the time of this registration that either of them can be officially regarded as the son of Mantias at all.

The confusion which might arise out of the action of the defendant, and its serious results both in public and in private life, are fully described by the plaintiff in his speech. Boeotus had deliberately tried to foist upon his half-brother the consequences of many of his foolish and

extravagant proceedings. Mantitheus, who is in constant fear of being mistaken for Boeotus, or called upon to suffer for his wrongdoings, is compelled to bring the present action to prevent him from using the name he has thus assumed. Whatever the actual process employed—and upon this point we have no information—it is clear that Mantitheus, in modern language, was suing for an injunction to restrain Boeotus from designating himself Mantitheus, son of Mantias, of the parish of Thoricus.

It is generally supposed that the plaintiff failed to secure a verdict, for we meet him again in the speech Πρὸς Βοιωτὸν περὶ προικὸς μητρωίας, bringing an action against the same Boeotus to recover his mother's dowry. This dispute had been referred to an arbitrator, who had given judgement in favour of Mantitheus. Boeotus countered by declaring that the judgement was no concern of his, inasmuch as his name was not Boeotus at all, but Mantitheus (Or. 40, § 18). If the case περὶ τοῦ ὀνόματος had gone against him, he would never have dared to make such a declaration in contempt of court. On the other hand, the true Mantitheus, if he had lost the first case, could not have sued him a second time under the name of Boeotus, so that Sandys approves the action of Dionysius of Halicarnassus in altering the name of the second speech to Πρὸς Μαντίθεον περὶ προικός.

The present speech was delivered, as the reference to the battle of Tamynae in § 16 shows, some time during the latter part of the year 350 B. C.

ARGUMENT

§§ 1–5. This is an unusual case, but I am compelled to try to procure a settlement. The attempt of Boeotus to enforce his recognition by Mantias as his son was successful owing to the dishonest action of his mother in accepting, before an arbitrator, the oath which she had already agreed to refuse. Boeotus was accordingly registered before the clan, but when the time came for his enrolment on the parish register, he procured his registration, not as Boeotus, but as Mantitheus.

Evidence of Witnesses.

§ 6. I was willing to meet the defendant in everything involved by his recognition except in the matter of altering my name to suit him; this I cannot do without incurring grave reproach.

§§ 7–12. Many difficulties arise out of the fact that we both bear the same name. Different problems are caused with regard to public services, contributions, military duties, service upon juries, and election to offices by lot. The consequences may become very serious indeed, but how can the confusion be avoided?

§§ 13–18. The question is no easier in relation to our private affairs; for example, in case of a fine or debt being incurred, or an action for ejectment being brought, or failure to pay taxes. Boeotus might try to evade military service, or be called upon to prove his citizenship, or be convicted of perjury, losing his case by default. Who is to say that I am not the person in question? Such things have indeed already occurred.

Evidence of Witnesses.

§ 20. Boeotus has obtained his share of my father's property. What right has he to deprive me of the name my father gave me?

§ 21. Had he lived, my father would never have registered him in the parish by any other name than that of Boeotus.

§§ 22–24. At the arbitration he tried to prove that Mantias gave him the name of Mantitheus in his infancy, but his witnesses could not have known of it, even if he had. Mantias did not believe him to be his son; if he had done so at first, why should he change his mind afterwards? Again, the defendant went to school in another tribe, a thing which his mother would not have allowed if she had considered herself an injured woman.

Evidence of Witnesses.

§§ 25, 26. Having succeeded up to a point, Boeotus has begun various actions against me for money. But if his story is true, my father was never likely to possess much, and his motive for going to law is merely vexatious.

§§ 27–29. He has no good defence to offer, but will say that I persuaded my father to give him the name Boeotus as a deliberate slight. He claims to be the elder, but I remember him, before he became a member of our family, as appearing younger. He cannot claim the name of Mantitheus on this ground, since he once thought that he had no connexion with our tribe. The true reckoning ought to date from the time when we were respectively registered before the clan.

§§ 30, 31. If he is the son of Mantias, he ought clearly to retain the name of Boeotus which his father gave him; if he persists in calling himself Mantitheus, he has no business to add 'son of Mantias'.

§§ 32, 33. So far from being slighted, he was named after his maternal uncle, and he always professed to be proud of his mother's relations. No Athenian ever yet called two sons by the same name. If he has suffered any indignity, he deserves it for his treatment of my father.

§§ 34–36. If his behaviour is so provoking and so far from brotherly, no one will believe that he is truly my brother. I have done all that is incumbent upon me as the result of his recognition. He has suffered no real injustice, but is merely perverse and contentious.

Depositions.

§§ 37, 38. I began this action against him as Boeotus, and he not only accepted it under that name, but also moved for a fresh hearing after the arbitrator's decision. Thus by his actions he admits that this is his name.

Request for New Hearing. Plaint.

§§ 39–41. It is the right, not of the child, but of the parent, to give or to revoke a name. By the principles both of law and of equity it is the duty of the jury to give their decision in my favour.

27/4/30.

ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ

Οὐδεμιᾷ φιλοπραγμοσύνῃ μὰ τοὺς θεούς, ὦ ἄνδρες δικασταί, τὴν δίκην ταύτην ἔλαχον Βοιωτῷ, οὐδ' ἠγνόουν ὅτι πολλοῖς ἄτοπον δόξει τὸ δίκην ἐμὲ λαγχάνειν, εἴ τις ἐμοὶ ταὐτὸν ὄνομ' οἴεται δεῖν ἔχειν· ἀλλ' ἀναγκαῖον ἦν ἐκ τῶν συμβησομένων, εἰ μὴ τοῦτο διορθώσομαι, ἐν ὑμῖν κριθῆναι. εἰ μὲν οὖν ἑτέρου τινὸς οὗτος ἔφη πατρὸς εἶναι καὶ μὴ τοῦ 2
ἐμοῦ, περίεργος ἂν εἰκότως ἐδόκουν εἶναι φροντίζων ὅ τι βούλεται καλεῖν οὗτος ἑαυτόν. νῦν δὲ λαχὼν δίκην τῷ πατρὶ τῷ ἐμῷ καὶ μεθ' ἑαυτοῦ κατασκευάσας ἐργαστήριον συκοφαντῶν, Μνησικλέα τε, ὃν ἴσως γιγνώσκετε πάντες, καὶ Μενεκλέα τὸν τὴν Νῖνον ἐλόντ' ἐκεῖνον, καὶ τοιούτους τινάς, ἐδικάζεθ' υἱὸς εἶναι φάσκων ἐκ τῆς Παμφίλου θυγατρὸς καὶ δεινὰ πάσχειν καὶ τῆς πατρίδος ἀποστερεῖσθαι. ὁ 3
πατὴρ δέ (πᾶσα γὰρ εἰρήσεται ἡ ἀλήθει', ὦ ἄνδρες δικασταί) ἅμα μὲν φοβούμενος εἰς δικαστήριον εἰσιέναι, μή τις, οἷ' ὑπὸ πολιτευομένου, ἑτέρωθί που λελυπημένος ἐνταυθοῖ ἀπαντήσειεν αὐτῷ, ἅμα δ' ἐξαπατηθεὶς ὑπὸ τῆς τουτουὶ μητρός, ὀμοσάσης αὐτῆς ἥ μήν, ἐὰν ὅρκον αὐτῇ διδῷ περὶ τούτων, μὴ ὀμεῖσθαι, τούτων δὲ πραχθέντων οὐδὲν ἔτ' ἔσεσθαι αὐτοῖς, καὶ μεσεγγυησαμένης ἀργύριον, ἐπὶ τούτοις δίδωσι τὸν ὅρκον. ἡ δὲ δεξαμένη, οὐ μόνον τοῦτον, ἀλλὰ καὶ τὸν 4
ἀδελφὸν τὸν ἕτερον πρὸς τούτῳ κατωμόσατ' ἐκ τοῦ πατρὸς εἶναι τοῦ ἐμοῦ. ὡς δὲ τοῦτ' ἐποίησεν, εἰσάγειν εἰς τοὺς φράτερας ἦν ἀνάγκη τούτους καὶ λόγος οὐδεὶς ὑπελείπετο. εἰσήγαγεν, ἐποιήσατο, ἵνα τἀν μέσῳ συντέμω, ἐγγράφει τοῖς Ἀπατουρίοις τουτονὶ μὲν Βοιωτὸν εἰς τοὺς φράτερας, τὸν δ' ἕτερον Πάμφιλον· Μαντίθεος δ' ἐνεγεγράμμην ἐγώ. συμβάσης δὲ τῷ πατρὶ τῆς τελευτῆς πρὶν τὰς εἰς τοὺς δη- 5
μότας ἐγγραφὰς γενέσθαι, ἐλθὼν εἰς τοὺς δημότας οὑτοσὶ

ἀντὶ Βοιωτοῦ Μαντίθεον ἐνέγραψεν ἑαυτόν. τοῦτο δ' ὅσα βλάπτει ποιῶν πρῶτον μὲν ἐμέ, εἶτα δὲ καὶ ὑμᾶς, ἐγὼ διδάξω, ἐπειδὰν ὦν λέγω παράσχωμαι μάρτυρας.

ΜΑΡΤΥΡΕΣ.

6 Ὃν μὲν τοίνυν τρόπον ἡμᾶς ἐνέγραψεν ὁ πατήρ, ἀκηκόατε τῶν μαρτύρων· ὅτι δ' οὐκ οἰομένου τούτου δεῖν ἐμμένειν, δικαίως καὶ ἀναγκαίως ἔλαχον τὴν δίκην, τοῦτ' ἤδη δείξω. ἐγὼ γὰρ οὐχ οὕτω δήπου σκαιός εἰμ' ἄνθρωπος οὐδ' ἀλόγιστος, ὥστε τῶν μὲν πατρῴων, ἃ πάντ' ἐμὰ ἐγίγνετο, ἐπειδήπερ ἐποιήσατο τούτους ὁ πατήρ, συγκεχωρηκέναι τὸ τρίτον νείμασθαι μέρος καὶ στέργειν ἐπὶ τούτῳ, περὶ δ' ὀνόματος ζυγομαχεῖν, εἰ μὴ τὸ μὲν ἡμᾶς μεταθέσθαι μεγάλην ἀτιμίαν ἔφερε καὶ ἀνανδρίαν, τὸ δὲ ταὐτὸν ἔχειν τοῦτον ἡμῖν ὄνομα διὰ πόλλ' ἀδύνατον ἦν.

7 Πρῶτον μὲν γάρ, εἰ δεῖ τὰ κοινὰ τῶν ἰδίων εἰπεῖν πρότερον, τίν' ἡμῖν ἡ πόλις ἐπιτάξει τρόπον, ἄν τι δέῃ ποιεῖν; οἴσουσι νὴ Δί' οἱ φυλέται τὸν αὐτὸν τρόπον ὅνπερ καὶ τοὺς ἄλλους. οὐκοῦν Μαντίθεον Μαντίου Θορίκιον οἴσουσιν, ἐὰν χορηγὸν ἢ γυμνασίαρχον ἢ ἑστιάτορ' ἢ ἐάν τι τῶν ἄλλων φέρωσιν. τῷ δῆλον οὖν ἔσται πότερον σὲ φέρουσιν ἢ ἐμέ;
8 σὺ μὲν γὰρ φήσεις ἐμέ, ἐγὼ δὲ σέ. καὶ δὴ καλεῖ μετὰ τοῦθ' ὁ ἄρχων ἢ πρὸς ὅντιν' ἂν ᾖ ἡ δίκη. οὐχ ὑπακούομεν, οὐ λῃτουργοῦμεν. πότερος ταῖς ἐκ τῶν νόμων ἔσται ζημίαις ἔνοχος; τίνα δ' οἱ στρατηγοὶ τρόπον ἐγγράψουσιν, ἂν εἰς συμμορίαν ἐγγράφωσιν, ἢ ἂν τριήραρχον καθιστῶσιν; ἢ ἂν στρατεία τις ᾖ, τῷ δῆλον ἔσται πότερός ἐσθ' ὁ κατειλεγ-
9 μένος; τί δ', ἂν ἄλλη τις ἀρχὴ καθιστῇ λῃτουργεῖν, οἷον ἄρχων, βασιλεύς, ἀθλοθέται, τί σημεῖον ἔσται πότερον καθιστᾶσιν; προσπαραγράψουσι νὴ Δία τὸν ἐκ Πλαγγόνος, ἂν σὲ ἐγγράφωσιν, ἂν δ' ἐμέ, τῆς ἐμῆς μητρὸς τοὔνομα. καὶ τίς ἤκουσε πώποτε, ἢ κατὰ ποῖον νόμον προσπαραγράφοιτ' ἂν τοῦτο τὸ παράγραμμα ἢ ἄλλο τι πλὴν ὁ πατὴρ

καὶ ὁ δῆμος; ὧν ὄντων ἀμφοῖν τῶν αὐτῶν πολλὴ ταραχὴ συμβαίνει. φέρε, εἰ δὲ κριτῆς καλοῖτο Μαντίθεος Μαντίου 10
Θορίκιος, τί ἂν ποιοῖμεν; ἢ βαδίζοιμεν ἂν ἄμφω; τῷ γὰρ ἔσται δῆλον πότερον σὲ κέκληκεν ἢ ἐμέ; πρὸς Διός, ἂν δ' ἀρχὴν ἡντινοῦν ἡ πόλις κληροῖ, οἷον βουλῆς, θεσμοθέτου, τῶν ἄλλων, τῷ δῆλος ὁ λαχὼν ἡμῶν ἔσται; πλὴν εἰ σημεῖον, ὥσπερ ἂν ἄλλῳ τινί, τῷ χαλκίῳ προσέσται· καὶ οὐδὲ τοῦθ' ὁποτέρου ἐστὶν οἱ πολλοὶ γνώσονται. οὐκοῦν ὁ μὲν ἑαυτόν, ἐγὼ δ' ἐμαυτὸν φήσω τὸν εἰληχότ' εἶναι. λοιπὸν 11
εἰς τὸ δικαστήριον ἡμᾶς εἰσιέναι. οὐκοῦν ἐφ' ἑκάστῳ τούτων δικαστήριον ἡμῖν ἡ πόλις καθιεῖ, καὶ τοῦ μὲν κοινοῦ καὶ ἴσου, τοῦ τὸν λαχόντ' ἄρχειν, ἀποστερησόμεθα, ἀλλήλους δὲ πλυνοῦμεν, καὶ ὁ τῷ λόγῳ κρατήσας ἄρξει. καὶ πότερ' ἂν βελτίους εἴημεν τῶν ὑπαρχουσῶν δυσκολιῶν ἀπαλλαττόμενοι, ἢ καινὰς ἔχθρας καὶ βλασφημίας ποιούμενοι; ἃς πᾶσ' ἀνάγκη συμβαίνειν, ὅταν ἀρχῆς ἤ τινος ἄλλου πρὸς ἡμᾶς αὐτοὺς ἀμφισβητῶμεν. τί δ', ἂν ἅρα (δεῖ 12
γὰρ ἅπαντα ἡμᾶς ἐξετάσαι) ἄτερος ἡμῶν πείσας τὸν ἕτερον, ἐὰν λάχῃ, παραδοῦναι αὑτῷ τὴν ἀρχήν, οὕτω κληρῶται, τὸ δυοῖν πινακίοιν τὸν ἕνα κληροῦσθαι τί ἄλλ' ἐστίν; εἶτ' ἐφ' ᾧ θάνατον ζημίαν ὁ νόμος λέγει, τοῦθ' ἡμῖν ἀδεῶς ἐξέσται πράττειν; 'πάνυ γε· οὐ γὰρ ἂν αὐτὸ ποιήσαιμεν.' οἶδα κἀγώ, τὸ γοῦν κατ' ἐμέ· ἀλλ' οὐδ' αἰτίαν τοιαύτης ζημίας ἐνίους ἔχειν καλόν, ἐξὸν μή.

Εἶεν. ἀλλὰ ταῦτα μὲν ἡ πόλις βλάπτεται· ἐγὼ δ' ἰδίᾳ 13
τί; θεάσασθ' ἡλίκα, καὶ σκοπεῖτ' ἄν τι δοκῶ λέγειν· πολὺ γὰρ χαλεπώτερα ταῦθ' ὧν ἀκηκόατ' ἐστίν. ὁρᾶτε μὲν γὰρ ἅπαντες αὐτὸν χρώμενον, ἕως μὲν ἔζη, Μενεκλεῖ καὶ τοῖς περὶ ἐκεῖνον ἀνθρώποις, νῦν δ' ἑτέροις ἐκείνου βελτίοσιν οὐδέν, καὶ τὰ τοιαῦτ' ἐζηλωκότα καὶ δεινὸν δοκεῖν εἶναι βουλόμενον· καὶ μὰ Δί' ἴσως ἔστιν. ἂν οὖν προϊόντος τοῦ 14
χρόνου τῶν αὐτῶν τι ποιεῖν τούτοις ἐπιχειρῇ (ἔστι δὲ ταῦτα γραφαί, φάσεις, ἐνδείξεις, ἀπαγωγαί), εἶτ' ἐπὶ τούτων τινί

(πολλὰ γάρ ἐστι τἀνθρώπινα, καὶ τοὺς πάνυ δεινοὺς ἑκάστοτε, ὅταν πλεονάζωσιν, ἐπίστασθ' ὑμεῖς κοσμίους ποιεῖν) ὄφλῃ τῷ δημοσίῳ, τί μᾶλλον οὗτος ἐγγεγραμμένος ἔσται ἐμοῦ;
15 ὅτι νὴ Δί' εἴσονται πάντες πότερός ποτ' ὤφλεν./ καλῶς. ἂν δέ, ὃ τυχὸν γένοιτ' ἄν, χρόνος διέλθῃ καὶ μὴ ἐκτεισθῇ τὸ ὄφλημα, τί μᾶλλον οἱ τούτου παῖδες ἔσονται τῶν ἐμῶν ἐγγεγραμμένοι, ὅταν τοὔνομα καὶ ὁ πατὴρ καὶ ἡ φυλὴ καὶ πάντ' ᾖ ταὐτά; τί δ', εἴ τις δίκην ἐξούλης αὐτῷ λαχὼν μηδὲν ἐμοὶ φαίη πρὸς αὐτὸν εἶναι, κυρίαν δὲ ποιησάμενος ἐγγράψαι, τί μᾶλλον ἂν εἴη τοῦτον ἢ ἔμ' ἐγγεγραφώς; τί δ', εἴ
16 τινας εἰσφορὰς μὴ θείη; τί δ', εἴ τις ἄλλη περὶ τοὔνομα γίγνοιτ' ἢ λῆξις δίκης ἢ δόξ' ὅλως ἀηδής; τίς εἴσεται τῶν πολλῶν πότερός ποθ' οὗτός ἐστιν, δυοῖν Μαντιθέοιν ταὐτοῦ πατρὸς ὄντοιν; φέρε, εἰ δὲ δίκην ἀστρατείας φεύγοι, χορεύοι δ' ὅταν στρατεύεσθαι δέῃ; καὶ γὰρ νῦν, ὅτ' εἰς Ταμύνας παρῆλθον οἱ ἄλλοι, ἐνθάδε τοὺς Χοᾶς ἄγων ἀπελείφθη καὶ τοῖς Διονυσίοις καταμείνας ἐχόρευεν, ὡς ἅπαντες ἑωρᾶθ'
17 οἱ ἐπιδημοῦντες. ἀπελθόντων δ' ἐξ Εὐβοίας τῶν στρατιωτῶν λιποταξίου προσεκλήθη, κἀγὼ ταξιαρχῶν τῆς φυλῆς ἠναγκαζόμην κατὰ τοὐνόματος τοῦ ἐμαυτοῦ πατρόθεν δέχεσθαι τὴν λῆξιν· καὶ εἰ μισθὸς ἐπορίσθη τοῖς δικαστηρίοις, εἰσῆγον ἂν δῆλον ὅτι. ταῦτα δ' εἰ μὴ σεσημασμένων ἤδη
18 συνέβη τῶν ἐχίνων, κἂν μάρτυρας ὑμῖν παρεσχόμην. εἶεν. εἰ δὲ ξενίας προσκληθείη; πολλοῖς δὲ προσκρούει, καὶ ὃν ἠναγκάσθη τρόπον ὁ πατὴρ ποιήσασθαι αὐτόν, οὐ λέληθεν. ὑμεῖς δ', ὅτε μὲν τοῦτον οὐκ ἐποιεῖθ' ὁ πατήρ, τὴν μητέρ' ἀληθῆ λέγειν ἡγεῖσθ' αὐτοῦ· ἐπειδὰν δ' οὕτως γεγονὼς οὗτος ὀχληρὸς ᾖ, πάλιν ὑμῖν ποτὲ δόξει 'κεῖνος ἀληθῆ λέγειν. τί δ', εἰ ψευδομαρτυρίων ἁλώσεσθαι προσδοκῶν ἐφ' οἷς ἐρανίζει τούτοις τοῖς περὶ αὐτόν, ἐρήμην ἐάσειεν τελεσθῆναι τὴν δίκην; ἆρά γε μικρὰν ἡγεῖσθε βλάβην, ὦ ἄνδρες Ἀθηναῖοι, ἐν κοινωνίᾳ τὸν ἅπαντα βίον τῆς τούτου δόξης καὶ τῶν ἔργων εἶναι;

Ὅτι τοίνυν οὐδ' ἃ διεξελήλυθ' ὑμῖν μάτην φοβοῦμαι, 19
θεωρήσατε. οὗτος γὰρ ἤδη καὶ γραφάς τινας, ὦ ἄνδρες
Ἀθηναῖοι, πέφευγεν, ἐφ' αἷς οὐδὲν αἴτιος ὢν ἐγὼ συνδια-
βάλλομαι, καὶ τῆς ἀρχῆς ἠμφεσβήτει, ἣν ὑμεῖς ἔμ' ἐχειρο-
τονήσατε, καὶ πολλὰ καὶ δυσχερῆ διὰ τοὔνομα συμβέβηκεν
ἡμῖν, ὧν, ἵν' εἰδῆτε, ἑκάστων μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ.

Ὁρᾶτ', ὦ ἄνδρες Ἀθηναῖοι, τὰ συμβαίνοντα, καὶ τὴν 20
ἀηδίαν τὴν ἐκ τοῦ πράγματος. εἰ τοίνυν μηδὲν ἀηδὲς ἦν
ἐκ τούτων, μηδ' ὅλως ἀδύνατον ταὐτὸν ἔχειν ὄνομ' ἡμῖν
συνέβαινεν, οὐ δήπου τοῦτον μὲν δίκαιον τὸ μέρος τῶν
ἐμῶν χρημάτων ἔχειν κατὰ τὴν ποίησιν, ἣν ὁ πατὴρ αὐτὸν
ἀναγκασθεὶς ἐποιήσατο, ἐμὲ δ' ἀφαιρεθῆναι τοὔνομα, ὃ βου-
λόμενος καὶ οὐδ' ὑφ' ἑνὸς βιασθεὶς ἔθετο. οὐκ ἔγωγ' ἡγοῦ-
μαι. ἵνα τοίνυν εἰδῆτε, ὅτι οὐ μόνον εἰς τοὺς φράτερας
οὕτως, ὡς μεμαρτύρηται, ὁ πατὴρ τὴν ἐγγραφὴν ἐποιήσατο,
ἀλλὰ καὶ τὴν δεκάτην ἐμοὶ ποιῶν τοὔνομα τοῦτ' ἔθετο, λαβέ
μοι καὶ ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Ἀκούετ', ἄνδρες Ἀθηναῖοι, ὅτι ἐγὼ μέν εἰμ' ἐπὶ τοὐνό- 21
ματος τούτου πάντα τὸν χρόνον, τουτονὶ δὲ Βοιωτὸν εἰς
τοὺς φράτερας, ἡνίκ' ἠναγκάσθη, ἐνέγραψεν ὁ πατήρ. ἠδέως
τοίνυν ἐροίμην ἂν αὐτὸν ἐναντίον ὑμῶν· εἰ μὴ ἐτελεύτησεν
ὁ πατήρ, τί ἄν ποτ' ἐποίεις πρὸς τοῖς δημόταις; οὐκ ἂν
εἶας σεαυτὸν ἐγγράφειν Βοιωτόν; ἀλλ' ἄτοπον δίκην μὲν
λαγχάνειν τούτου, κωλύειν δὲ πάλιν. καὶ μὴν εἴ γ' εἶας
αὐτόν, ἐνέγραψεν ἄν σ' εἰς τοὺς δημότας, ὅπερ εἰς τοὺς
φράτερας. οὐκοῦν δεινόν, ὦ γῆ καὶ θεοί, φάσκειν μὲν
ἐκεῖνον αὐτοῦ πατέρ' εἶναι, τολμᾶν δ' ἄκυρα ποιεῖν ἀκεῖνος
ἔπραξεν ζῶν.

Ἐτόλμα τοίνυν πρὸς τῷ διαιτητῇ πρᾶγμ' ἀναιδέστατον 22

λέγειν, ὡς ὁ πατὴρ αὐτοῦ δεκάτην ἐποίησεν ὥσπερ ἐμοῦ καὶ τοὔνομα τοῦτ' ἔθετ' αὐτῷ, καὶ μάρτυράς τινας παρείχετο, οἷς ἐκεῖνος οὐδεπώποτ' ὤφθη χρώμενος. ἐγὼ δ' οὐδέν' ὑμῶν ἀγνοεῖν οἶομαι, ὅτι οὔτ' ἂν ἐποίησε δεκάτην οὐδεὶς παιδίου μὴ νομίζων αὐτοῦ δικαίως εἶναι, οὔτε ποιήσας καὶ στέρξας, ὡς ἂν υἱόν τις στέρξαι, πάλιν ἔξαρνος ἐτόλμησε
23 γενέσθαι. οὐδὲ γὰρ εἴ τι τῇ μητρὶ πρὸς ὀργὴν ἦλθεν τῇ τούτων, τούτους ἂν ἐμίσει, νομίζων αὐτοῦ εἶναι· πολὺ γὰρ μᾶλλον εἰώθασιν, ὧν ἂν ἑαυτοῖς διενεχθῶσιν ἀνὴρ καὶ γυνή, διὰ τοὺς παῖδας καταλλάττεσθαι ἢ δι' ἂν ἀδικηθῶσιν ὑφ' αὑτῶν, τοὺς κοινοὺς παῖδας πρὸς μισεῖν. οὐ τοίνυν ἐκ τούτων ἔστιν ἰδεῖν μόνον ὅτι ψεύσεται, ταῦτ' ἂν λέγῃ, ἀλλὰ πρὶν ἡμέτερος φάσκειν συγγενὴς εἶναι, εἰς Ἱπποθωντίδ'
24 ἐφοίτα φυλὴν εἰς παῖδας χορεύσων. καίτοι τίς ἂν ὑμῶν οἴεται τὴν μητέρα πέμψαι τοῦτον εἰς ταύτην τὴν φυλήν, δεινὰ μέν, ὡς φησιν, ὑπὸ τοῦ πατρὸς πεπονθυῖαν, δεκάτην δ' εἰδυῖαν πεποιηκότ' ἐκεῖνον καὶ πάλιν ἔξαρνον ὄντα; ἐγὼ μὲν οὐδέν' ἂν οἶμαι. εἰς γὰρ τὴν Ἀκαμαντίδ' ὁμοίως ἐξῆν σοι φοιτᾶν, καὶ ἐφαίνετ' ἂν οὖσ' ἀκόλουθος ἡ φυλὴ τῇ θέσει τοὐνόματος. ὡς τοίνυν ταῦτ' ἀληθῆ λέγω, τούτων μάρτυρας ὑμῖν τοὺς συμφοιτῶντας καὶ τοὺς εἰδότας παρέξομαι.

ΜΑΡΤΥΡΕΣ.

25 Οὕτω τοίνυν φανερῶς παρὰ τὸν τῆς αὐτοῦ μητρὸς ὅρκον καὶ τὴν τοῦ δόντος ἐκείνῃ τὸν ὅρκον εὐήθειαν πατρὸς τετυχηκὼς καὶ ἀνθ' Ἱπποθωντίδος ἐν Ἀκαμαντίδι φυλῇ γεγονώς, οὐκ ἀγαπᾷ Βοιωτὸς οὑτοσί, ἀλλὰ καὶ δίκας ἐμοὶ δύ' ἢ τρεῖς εἴληχεν ἀργυρίου πρὸς αἷς καὶ πρότερόν μ' ἐσυκοφάντει. καίτοι πάντας οἶμαι τοῦθ' ὑμᾶς εἰδέναι, τίς ἦν χρηματιστὴς
26 ὁ πατήρ. ἐγὼ δ' ἐάσω ταῦτα. ἀλλ' εἰ δίκαι' ὀμώμοκεν ἡ μήτηρ ἡ τούτων, ἐπ' αὐτοφώρῳ συκοφάντην ἐπιδεικνύει τοῦτον ταῖς δίκαις ταύταις. εἰ γὰρ οὕτω δαπανηρὸς ἦν, ὥστε γάμῳ γεγαμηκὼς τὴν ἐμὴν μητέρα, ἑτέραν εἶχε γυναῖκα, ἧς

ὑμεῖς ἐστέ, καὶ δύ' οἰκίας ᾤκει, πῶς ἂν ἀργύριον τοιοῦτος ὢν κατέλιπεν;

Οὐκ ἀγνοῶ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, ὅτι Βοιωτὸς 27
οὑτοσὶ δίκαιον μὲν οὐδὲν ἕξει λέγειν, ἥξει δ' ἐπὶ ταῦθ' ἅπερ ἀεὶ λέγει, ὡς ἐπηρέαζεν ὁ πατὴρ αὐτῷ πειθόμενος ὑπ' ἐμοῦ, ἀξιοῖ δ' αὐτὸς ὢν δὴ πρεσβύτερος ὢν τοὔνομ' ἔχειν τὸ τοῦ πρὸς πατρὸς πάππου. πρὸς δὴ ταῦτ' ἀκοῦσαι βέλτιον ὑμᾶς βραχέα. ἐγὼ γὰρ οἶδα τοῦτον, ὅτ' οὔπω συγγενὴς ἦν ἐμοί, ὁρῶν ὥσπερ ἂν ἄλλον τιν' οὑτωσί, νεώτερον ὄντ' ἐμοῦ καὶ συχνῷ, ὅσ' ἐξ ὄψεως, οὐ μὴν ἰσχυρίζομαι τούτῳ (καὶ γὰρ εὖ ἤθες)· ἀλλ' εἴ τις ἔροιτο Βοιωτὸν τουτονί, ὅτ' ἐν Ἱππο- 28
θωντίδι φυλῇ ἠξίους χορεύειν, οὔπω τοῦ πατρὸς εἶναι φάσκων τοῦ ἐμοῦ υἱός, τί σαυτὸν ἔχειν δικαίως ἂν θείης ὄνομα; εἰ γὰρ Μαντίθεον, οὐκ ἂν διὰ τοῦτό γε φαίης ὅτι πρεσβύτερος εἶ ἐμοῦ. ὃς γὰρ οὐδὲ τῆς φυλῆς τότε σοι προσήκειν ἡγοῦ τῆς ἐμῆς, πῶς ἂν τοῦ γε πάππου τοῦ ἐμοῦ ἠμφεσβήτεις; ἔτι δ', ὦ ἄνδρες Ἀθηναῖοι, τὸν μὲν τῶν ἐτῶν χρόνον οὐδεὶς 29
οἶδεν ὑμῶν (ἐγὼ μὲν γὰρ ἐμοὶ πλείονα, οὗτος δ' ἑαυτῷ φήσει), τὸν δὲ τοῦ δικαίου λόγον ἅπαντες ἐπίστασθε. ἔστι δ' οὗτος τίς; ἀφ' οὗ παῖδας ἐποιήσατο τούτους ὁ πατήρ, ἀπὸ τούτου καὶ νομίζεσθαι. πρότερον τοίνυν ἔμ' εἰς τοὺς δημότας ἐνέγραψε Μαντίθεον, πρὶν εἰσαγαγεῖν τοῦτον εἰς τοὺς φράτερας. ὥστ' οὐ τῷ χρόνῳ μόνον, ἀλλὰ καὶ τῷ δικαίῳ πρεσβεῖον ἔχοιμ' ἂν ἐγὼ τοὔνομα τοῦτ' εἰκότως. εἶεν. 30
εἰ δέ τίς σ' ἔροιτο, 'εἰπέ μοι, Βοιωτέ, πόθεν νῦν Ἀκαμαντίδος φυλῆς γέγονας καὶ τῶν δήμων Θορίκιος καὶ υἱὸς Μαντίου, καὶ τὸ μέρος τῶν ὑπ' ἐκείνου καταλειφθέντων ἔχεις;' οὐδὲν ἂν ἄλλ' ἔχοις εἰπεῖν, πλὴν ὅτι κἀμὲ ζῶν ἐποιήσατο Μαντίας. τί τεκμήριον, εἴ τίς σ' ἔροιτο, ἢ μαρτύριόν ἐστί σοι τούτου; εἰς τοὺς φράτεράς μ' εἰσήγαγε, φήσειας ἄν. τί οὖν σ' ἐνέγραψεν ὄνομα, εἴ τις ἔροιτο, Βοιωτὸν ἂν εἴποις· τοῦτο γὰρ εἰσήχθης. οὐκοῦν δεινὸν εἰ τῆς μὲν πόλεως καὶ 31
τῶν ὑπ' ἐκείνου καταλειφθέντων διὰ τοῦνομα τοῦτο μέτεστί

σοι, τοῦτο δ' ἀξιοῖς ἀφεὶς ἕτερον μεταθέσθαι σαυτῷ. φέρ', εἴ σ' ὁ πατὴρ ἀξιώσειεν ἀναστάς, ἢ μένειν ἐφ' οὗ σ' αὐτὸς ἐποιήσατ' ὀνόματος, ἢ πατέρ' ἄλλον σαυτοῦ φάσκειν εἶναι, ἆρ' οὐκ ἂν μέτρι' ἀξιοῦν δοκοίη; ταὐτὰ τοίνυν ταῦτ' ἐγώ σ' ἀξιῶ, ἢ πατρὸς ἄλλου σεαυτὸν παραγράφειν, ἢ τοὔνομ'
32 ἔχειν ὃ 'κεῖνος ἔδωκέ σοι. νὴ Δί', ἀλλ' ὕβρει καὶ ἐπηρείᾳ τινὶ τοῦτ' ἐτέθη σοι. ἀλλὰ πολλάκις μέν, ὅτ' οὐκ ἐποιεῖθ' ὁ πατὴρ τούτους, ἔλεγον οὗτοι ὡς οὐδὲν χείρους εἰσὶν οἱ τῆς μητρὸς τῆς τούτου συγγενεῖς τῶν τοῦ πατρὸς τοῦ ἐμοῦ. ἔστι δ' ὁ Βοιωτὸς ἀδελφοῦ τῆς τούτου μητρὸς ὄνομα. ἐπειδὴ δ' εἰσάγειν ὁ πατὴρ τούτους ἠναγκάζετο, ἐμοῦ προεισηγμένου Μαντιθέου, οὕτω τοῦτον εἰσάγει Βοιωτόν, τὸν ἀδελφὸν δ' αὐτοῦ Πάμφιλον. ἐπεὶ σὺ δεῖξον, ὅστις Ἀθηναίων ταὐτὸν ὄνομα τοῖς αὐτοῦ παισὶν ἔθετο δυοῖν· κἂν δείξῃς, ἐγὼ συγ-
χωρήσω δι' ἐπήρειάν σοι τοῦτο τοὔνομα θέσθαι τὸν πατέρα.
33 καίτοι εἴ γε τοιοῦτος ἦσθα, ὥστε ποιήσασθαι μὲν σαυτὸν ἀναγκάσαι, ἐξ ὅτου δ' ἀρέσεις ἐκείνῳ τρόπου μὴ σκοπεῖν, οὐκ ἦσθ' οἷον δεῖ τὸν προσήκουτ' εἶναι περὶ τοὺς γονέας, οὐκ ἂν δ' οὐκ ἐπηρεάζου δικαίως ἄν, ἀλλ' ἀπωλώλεις. ἢ δεινόν γ' ἂν εἴη, εἰ κατὰ μὲν τῶν ὑπὸ τοῦ πατρὸς αὐτοῦ νομιζομένων παίδων οἱ περὶ τῶν γονέων ἰσχύσουσιν νόμοι, κατὰ δὲ τῶν αὐτοὺς εἰσβιαζομένων ἄκοντας ποιεῖσθαι ἄκυροι γενήσονται.

34 Ἀλλ', ὦ χαλεπώτατε Βοιωτέ, μάλιστα μὲν ὧν πράττεις πάντων παῦσαι, εἰ δ' ἄρα μὴ βούλει, ἐκεῖνό γε πρὸς Διὸς πείθου· παῦσαι μὲν σαυτῷ παρέχων πράγματα, παῦσαι δ' ἐμὲ σύκοφαντῶν, ἀγάπα δ' ὅτι σοι πόλις, οὐσία, πατὴρ γέγονεν. οὐδεὶς ἀπελαύνει σ' ἀπὸ τούτων, οὔκουν ἔγωγε. ἀλλ' ἂν μέν, ὥσπερ εἶναι φὴς ἀδελφός, καὶ τὰ ἔργ' ἀδελφοῦ ποιῇς, δόξεις εἶναι συγγενής, ἂν δ' ἐπιβουλεύῃς, δικάζῃ, φθονῇς, βλασφημῇς, δόξεις εἰς ἀλλότρι' ἐμπεσὼν ὡς οὐ
35 προσήκουσιν οὕτω χρῆσθαι. ἐπεὶ ἔγωγ' οὐδ' εἰ τὰ μάλισθ' ὁ πατὴρ ὄντα σ' ἑαυτοῦ μὴ ἐποιεῖτ' ἀδικῶ. οὐ γὰρ ἐμοὶ προσ-

ἦκεν εἰδέναι, τίνες εἰσὶν υἱεῖς ἐκείνου, ἀλλ' ἐκείνῳ δεῖξαι, τίν' ἐμοὶ νομιστέον ἔστ' ἀδελφόν. ὃν μὲν τοίνυν οὐκ ἐποιεῖτό σε χρόνον, οὐδ' ἐγὼ προσήκουθ' ἡγούμην, ἐπειδὴ δ' ἐποιήσατο, κἀγὼ νομίζω. τί τούτου σημεῖον; τῶν πατρῴων ἔχεις τὸ μέρος μετὰ τὴν τοῦ πατρὸς τελευτήν· ἱερῶν, ὁσίων μετέχεις· ἀπάγει σ' οὐδεὶς ἀπὸ τούτων. τί βούλει; ἂν δὲ φῇ δεινὰ πάσχειν καὶ κλάῃ καὶ ὀδύρηται καὶ κατηγορῇ ἐμοῦ, ἃ μὲν ἂν λέγῃ, μὴ πιστεύετε (οὐ γὰρ δίκαιον μὴ περὶ τούτων ὄντος τοῦ λόγου νυνί), ἐκεῖνο δ' ὑπολαμβάνετε, ὅτι οὐ- 36
δὲν ἔστ' αὐτῷ ἧττον δίκην λαμβάνειν Βοιωτῷ κληθέντι. τι οὖν φιλονικεῖς; μηδαμῶς· μὴ ἔχ' οὕτω πρὸς ἡμᾶς ἐθελέχθρως· οὐδὲ γὰρ ἐγὼ πρὸς σέ, ἐπεὶ καὶ νῦν, ἵνα μηδὲ τοῦτο λάθῃ σε, ὑπὲρ σοῦ λέγω μᾶλλον, ἀξιῶν μὴ ταὐτὸν ἔχειν ὄνομ' ἡμᾶς. εἰ γὰρ μηδὲν ἄλλο, ἀνάγκη τὸν ἀκούσαντ' ἐρέσθαι πότερος, δύ' ἂν ὦσιν Μαντίθεοι Μαντίου. οὐκοῦν, ὃν ἠναγκάσθη ποιήσασθαι, σὲ ἂν λέγῃ, ἐρεῖ. τί οὖν ἐπιθυμεῖς τούτων; ἀνάγνωθι δέ μοι λαβὼν δύο ταυτασὶ μαρτυρίας, ὡς ἐμοὶ Μαντίθεον καὶ τούτῳ Βοιωτὸν ὁ πατὴρ ὄνομ' ἔθετο.

ΜΑΡΤΥΡΙΑΙ.

Λοιπὸν ἡγοῦμαι τοῦθ' ὑμῖν ἐπιδεῖξαι, ὦ ἄνδρες Ἀθηναῖοι, 37
ὡς οὐ μόνον εὐορκήσετε, ἂν ἀγὼ λέγω ψηφίσησθε, ἀλλὰ καὶ ὡς οὗτος αὐτὸς αὑτοῦ κατέγνω Βοιωτόν, ἀλλ' οὐ Μαντίθεον ὄνομα δικαίως ἂν ἔχειν. λαχόντος γὰρ ἐμοῦ τὴν δίκην ταύτην Βοιωτῷ Μαντίου Θορικίῳ, ἐξ ἀρχῆς τ' ἠντεδίκει καὶ ὑπώμνυθ' ὡς ὢν Βοιωτός, καὶ τὸ τελευταῖον, ἐπεὶ οὐκέτ' ἐνῆν αὐτῷ διακρούσασθαι, ἐρήμην ἐάσας καταδιαιτῆσαι, σκέψασθε πρὸς θεῶν τί ἐποίησεν· ἀντιλαγχάνει μοι τὴν μὴ 38
οὖσαν Βοιωτὸν αὐτὸν προσαγορεύσας. καίτοι ἐξ ἀρχῆς τ' ἔδει ἐᾶν αὐτὸν τελέσασθαι τὴν δίκην κατὰ Βοιωτοῦ, εἴπερ μηδὲν προσῆκεν αὐτῳ τοὐνόματος, ὕστερόν τε μὴ αὐτὸν φαίνεσθαι ἐπὶ τῷ ὀνόματι τούτῳ ἀντιλαγχάνοντα τὴν μὴ οὖσαν.

ὃς οὖν αὐτὸς αὑτοῦ κατέγνω δικαίως ἂν εἶναι Βοιωτός, τί ὑμᾶς ἀξιώσει τοὺς ὁμωμοκότας ψηφίζεσθαι; ὡς δὲ ταῦτ' ἀληθῆ λέγω, λαβέ μοι τὴν ἀντίληξιν καὶ τὸ ἔγκλημα τουτί.

ΑΝΤΙΛΗΞΙΣ. ΕΓΚΛΗΜΑ.

39 Εἰ μὲν τοίνυν οὗτος ἔχει δεῖξαι νόμον ὃς ποιεῖ κυρίους εἶναι τοὺς παῖδας τοῦ ἑαυτῶν ὀνόματος, ἃ λέγει νῦν οὗτος ὀρθῶς ἂν ψηφίζοισθε. εἰ δ' ὁ μὲν νόμος, ὃν πάντες ἐπίστασθ' ὁμοίως ἐμοί, τοὺς γονέας ποιεῖ κυρίους οὐ μόνον θέσθαι τοὔνομ' ἐξ ἀρχῆς, ἀλλὰ κἂν πάλιν ἐξαλεῖψαι βούλωνται καὶ ἀποκηρῦξαι, ἐπέδειξα δ' ἐγὼ τὸν πατέρα, ὃς κύριος ἦν ἐκ τοῦ νόμου, τούτῳ μὲν Βοιωτόν, ἐμοὶ δὲ Μαντίθεον θέμενον, πῶς ὑμῖν ἔστιν ἄλλο τι πλὴν ἀγὼ λέγω ψηφί-
40 σασθαι; ἀλλὰ μὴν ὧν γ' ἂν μὴ ὦσι νόμοι, γνώμῃ τῇ δικαιοτάτῃ δικάσειν ὀμωμόκατε, ὥστ' εἰ μηδεὶς ἦν περὶ τούτων κείμενος νόμος, κἂν οὕτω δικαίως πρὸς ἐμοῦ τὴν ψῆφον ἔθεσθε. τίς γάρ ἐστιν ὑμῶν ὅστις ταὐτὸν ὄνομα τοῖς αὑτοῦ παισὶν τέθειται δυοῖν; τίς δ', ᾧ μήπω παῖδες εἰσί, θήσεται;
41 οὐδεὶς δήπου. οὐκοῦν ὃ δίκαιον τῇ γνώμῃ τοῖς ὑμετέροις αὐτῶν παισὶν ὑπειλήφατε, τοῦτο καὶ περὶ ἡμῶν εὐσεβὲς γνῶναι. ὥστε καὶ κατὰ τὴν δικαιοτάτην γνώμην καὶ κατὰ τοὺς νόμους καὶ κατὰ τοὺς ὅρκους καὶ κατὰ τὴν τούτου προσομολογίαν ἐγὼ μὲν μέτρι' ὑμῶν, ὦ ἄνδρες Ἀθηναῖοι, δέομαι καὶ δίκαι' ἀξιῶ, οὗτος δ' οὐ μόνον οὐ μέτρια, ἀλλ' οὐδ' εἰωθότα γίγνεσθαι.

ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ

INTRODUCTION

IN the year 343 B.C. a detachment of Athenian troops was ordered out for garrison duty to Panactum, a small hill-station on the borders of Attica and Boeotia. With this force went Ariston, the plaintiff in the present case, and the sons of Conon, the defendant. According to Ariston these young men, whose quarters adjoined his, drank all day, insulted the slaves of his party, and indulged in every kind of aggressive and annoying behaviour towards them. After tolerating it for a time, the whole mess to which he belonged complained in a body to the authorities. This had anything but the desired effect, for Conon's sons, after being severely reprimanded by the officer commanding the garrison for their disorderly conduct and lack of discipline, fell upon Ariston and his comrades the same evening, and serious trouble would have ensued but for the opportune arrival of the general and his staff.

Soon after their return to Athens, while taking an evening stroll in the market-place with a friend, Ariston fell in with Ctesias, one of the sons of the defendant, who upon seeing him raised a drunken shout and rushed away to a house at which Conon was carousing with some friends. The whole party promptly turned out and descended to the market-place, where they fell upon Ariston, assaulting him savagely and inflicting severe injuries, and finally made off with his cloak, of which they had stripped him. Some passers-by carried him to the baths and procured medical assistance, and since he was considered too ill to be removed to his home at once, he spent the night at the house of an acquaintance close by. Later he was taken to his own

home, where he lay seriously ill for some time, and would probably have died from internal injuries but for a timely hemorrhage just when his life was despaired of.

Conon by his action had laid himself open to prosecution for criminal outrage, over and above the fact that by carrying off his victim's cloak he was liable to summary arrest; in either case, he might, if found guilty, have suffered the extreme penalty. The plaintiff, however, a young man, and unwilling to undertake so serious a task, was content to follow the advice of his friends, and to bring a private suit against him for assault and battery. The case was submitted to arbitration without result, owing to the obstructive tactics deliberately adopted by Conon, and was then taken to court by Ariston. It was probably heard in the presence of one of the minor legal officials known as the Forty, who went on circuit regularly through Attica and dealt, as Demosthenes himself tells us, with cases of assault.

In his speech the plaintiff suggests the line of defence which Conon is likely to adopt. At this time and for some years past it had been the fashion at Athens among young men about town to form themselves into clubs which, in addition to drinking and other less reputable pursuits, enlivened their evenings by parading the streets, playing practical jokes, and assaulting unoffending citizens. Conon himself had belonged to such an organization in his youth, and might well suggest that the present assault was the outcome of an overflow of animal spirits, that Ariston was no better than any one else, and that the whole affair was a storm in a tea-cup. Ariston himself, who had suffered severely and had been at some pains to avoid giving provocation, naturally takes a very different view of the matter, though he hastens to deny any charge of priggish-

ness. Conon himself, though over fifty years old, was the ringleader. He must have been a thoroughly unpleasant person, and his associates but little better, if we may judge from Ariston's speech, which bears all the marks of truthfulness. It has always been regarded both by the Greeks themselves as well as by modern critics as a model of all that a speech of this kind should be. The style is clear, concise, and unaffected, and the speaker keeps steadily to the point with a frank simplicity and straightforwardness of expression, which are not only delightful in themselves, but are eminently well suited to his character.

The action probably took place in the year 341 B.C., two years after an expedition to Panactum of which Demosthenes speaks in his *De Falsa Legatione*. An earlier date has been suggested, but the year named seems to be clearly confirmed by a piece of evidence to which Sandys was the first to point. Conon, when still a youth, belonged to a disorderly club known as Triballi, after a savage Thracian tribe which, in 376 B.C., thirty-five years before, had descended from their native mountain-strongholds and done great damage on the coast of Thrace, before they were compelled to retire by Chabrias. They became proverbial for their barbarity, as contemporary references in the orators and comic poets show, and their name was no doubt adopted by Conon and his friends—then in their 'teens—in the same way that the midnight roisterers of London in Queen Anne's reign, of whom we read in the *Spectator*, called themselves Mohocks, after the North American tribe with whose existence they had lately become acquainted.

ARGUMENT

§§ 1, 2. I have been brutally assaulted by the defendant, and now that I have recovered, contrary to expectation, I am acting moderately in bringing no more than a private suit for assault.

§§ 3–6. The trouble began with the outrageous behaviour of Conon's sons when we were on garrison duty together at Panactum, where they were perpetually drunk and quarrelsome, annoyed our servants, and attacked us. Back at Athens again, I resolved to avoid them at all costs, but Conon has proved even worse than his sons.

Depositions.

§§ 7–9. The assault was deliberate and concerted, and I was violently attacked and seriously injured. The behaviour of Conon himself was particularly flagrant. I was taken to the baths, and there received medical attention.

Evidence of Witnesses.

§ 10. I was too bad to be taken home that night, and was removed to the house of Meidias. Of this I can give proof, and produce the evidence of the doctor.

Depositions.

§§ 11, 12. My visible injuries were not very serious, but fever and internal trouble ensued. Medical evidence will show that when my condition was critical, a sudden hemorrhage saved my life.

Depositions.

§§ 14–16. Conon will try to make light of the whole affair, saying that it was merely youthful rowdiness, and

that I am no better than his sons. If the jury believe this on his unsupported statement, they will be doing me serious wrong. No one has ever seen me behaving in this disorderly fashion. Is it unreasonable that I should have recourse to the law to redress my injuries?

§§ 17–19. The laws try to prevent more serious crimes by taking cognizance of lesser offences, so that at every stage, from quarrelling to murder, there is an appropriate process and penalty.

§§ 20–23. Conon will try to turn the charge off with ridicule; there was nothing laughable about my condition when he had finished with me. Even the folly of youth should not excuse such conduct, though it might perhaps lighten the penalty. But Conon is over fifty. If his sons behave thus in his presence, he is not only a bad father, but must have been a bad son as well in his time.

§ 25. Read the laws relating to brutal outrage and robbery with violence.

Laws.

He is liable under both these, and if I had died, as was quite possible, might have had to answer to a charge of murder.

§§ 26–29. He was guilty of wilful and deliberate obstruction at the arbitration. At the last minute he offered to submit some slaves for examination about the assault, but if his offer had been genuine, he would have made it much earlier.

Deposition.

§§ 30–33. After this he produced some friends who said that they had found me fighting with his son, and that he himself never struck me. My evidence is that of disinterested persons, who declare that they saw him attack

me; they, unlike his witnesses, have no motive for swearing to anything but the truth. Besides, the character of his friends is sufficiently well known.

§§ 34–36. They are quite ready to commit perjury in order to get their boon-companion out of a tight corner, and whereas I can produce medical evidence, they can get no one but their own party to give evidence against me.

Depositions.

§ 37. Are men of their stamp likely to stop at perjury?

§§ 38–40. Conon will swear by all kinds of extravagant oaths in order to impress the jury. Honest men are often so impressed, but you must regard his character. His youthful reputation alone is enough to discredit him in a court of law. For my part I have the greatest respect for an oath, and would only take one through sheer necessity. A formal oath I was prepared to take in the interests of justice. Read the challenge which I made.

Challenge.

§ 41. I solemnly aver with all the emphasis of which I am capable that my account of the assault is true.

§§ 42, 43. The case does not concern me alone. Every juryman ought to treat it as seriously as if he himself had been the victim.

§ 44. It is pointless to refer to the public services of my family, and to belittle those of his. Even if we were inferior to Conon and his associates, that would afford no reason for his acquittal.

ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ

Ὑβρισθεὶς ὦ ἄνδρες δικασταὶ καὶ παθὼν ὑπὸ Κόνωνος τουτουὶ τοιαῦτα, ὥστε πολὺν χρόνον πάνυ μήτε τοὺς οἰκείους μήτε τῶν ἰατρῶν μηδένα προσδοκᾶν περιφεύξεσθαί με, ὑγιάνας καὶ σωθεὶς ἀπροσδοκήτως ἔλαχον αὐτῷ τὴν δίκην τῆς αἰκίας ταυτηνί. πάντων δὲ τῶν φίλων καὶ τῶν οἰκείων, οἷς συνεβουλευόμην, ἔνοχον μὲν φασκόντων αὐτὸν ἐκ τῶν πεπραγμένων εἶναι καὶ τῇ τῶν λωποδυτῶν ἀπαγωγῇ καὶ ταῖς τῆς ὕβρεως γραφαῖς, συμβουλευόντων δέ μοι καὶ παραινούντων μὴ μείζω πράγματ' ἢ δυνήσομαι φέρειν ἐπάγεσθαι, μηδ' ὑπὲρ τὴν ἡλικίαν ὧν ἐπεπόνθειν ἐγκαλοῦντα φαίνεσθαι, οὕτως ἐποίησα καὶ δι' ἐκείνους ἰδίαν ἔλαχον δίκην, ἥδιστ' ἂν ὦ ἄνδρες Ἀθηναῖοι θανάτου κρίνας τοῦτον. καὶ τούτου συγγνώμην ἕξετ', εὖ οἶδ' ὅτι, πάντες, ἐπειδὰν ἃ 2
πέπονθ' ἀκούσητε· δεινῆς γὰρ οὔσης τῆς τότε συμβάσης ὕβρεως, οὐκ ἐλάττων ἡ μετὰ ταῦτ' ἀσέλγεια ἐστὶ τούτου. ἀξιῶ δὴ καὶ δέομαι πάντων ὁμοίως ὑμῶν, πρῶτον μὲν εὐνοϊκῶς ἀκοῦσαί μου περὶ ὧν πέπονθα λέγοντος, εἶτ', ἐὰν ἠδικῆσθαι καὶ παρανενομῆσθαι δοκῶ, βοηθῆσαί μοι τὰ δίκαια. ἐξ ἀρχῆς δ' ὡς ἕκαστα πέπρακται διηγήσομαι πρὸς ὑμᾶς, ὡς ἂν οἷός τ' ὦ διὰ βραχυτάτων.

Ἐξῆλθον, ἔτος τουτὶ τρίτον, εἰς Πάνακτον φρουρᾶς ἡμῖν 3
προγραφείσης. ἐσκήνωσαν οὖν οἱ υἱεῖς οἱ Κόνωνος τουτουὶ ἐγγὺς ἡμῶν, ὡς οὐκ ἂν ἐβουλόμην· ἡ γὰρ ἐξ ἀρχῆς ἔχθρα καὶ τὰ προσκρούματα ἐκεῖθεν ἡμῖν συνέβη, ἐξ ὧν δ', ἀκούσεσθε. ἔπινον ἑκάστοθ' οὗτοι τὴν ἡμέραν, ἐπειδὴ τάχιστ' ἀριστήσειαν, ὅλην, καὶ τοῦθ', ἕως περ ἦμεν ἐν τῇ φρουρᾷ, διετέλουν ποιοῦντες. ἡμεῖς δ' ὥσπερ ἐνθάδ' εἰώθειμεν, οὕτω διήγομεν καὶ ἔξω. ἦν οὖν δειπνοποιεῖσθαι τοῖς 4
ἄλλοις ὥραν συμβαίνοι, ταύτην ἂν ἤδη παρῴνουν οὗτοι, τὰ

μὲν πόλλ' εἰς τοὺς παῖδας ἡμῶν τοὺς ἀκολούθους, τελευτῶντες δὲ καὶ εἰς ἡμᾶς αὐτούς. φήσαντες γὰρ καπνίζειν αὐτοὺς ὀψοποιουμένους τοὺς παῖδας ἢ κακῶς λέγειν ὅ τι τύχοιεν, ἔτυπτον καὶ τὰς ἀμίδας κατεσκεδάννυον καὶ προσεούρουν, καὶ ἀσελγείας καὶ ὕβρεως οὐδ' ὁτιοῦν ἀπέλειπον. ὁρῶντες δ' ἡμεῖς ταῦτα καὶ λυπούμενοι, τὸ μὲν πρῶτον ἀπεπεμψάμεθα, ὡς δ' ἐχλεύαζον ἡμᾶς καὶ οὐκ ἐπαύοντο, τῷ στρατηγῷ τὸ πρᾶγμ' εἴπομεν κοινῇ πάντες οἱ σύσσιτοι προσελθόντες, οὐκ ἐγὼ τῶν ἄλλων ἔξω. λοιδορηθέντος δ' αὐτοῖς ἐκείνου καὶ κακίσαντος αὐτούς, οὐ μόνον περὶ ὧν εἰς ἡμᾶς ἠσέλγαινον, ἀλλὰ καὶ περὶ ὧν ὅλως ἐποίουν ἐν τῷ στρατοπέδῳ, τοσούτου ἐδέησαν παύσασθαι ἢ αἰσχυνθῆναι ὥστ', ἐπειδὴ θᾶττον συνεσκότασεν, εὐθὺς ὡς ἡμᾶς εἰσεπήδησαν ταύτῃ τῇ ἑσπέρᾳ, καὶ τὸ μὲν πρῶτον κακῶς ἔλεγον, ἔπειτα δὲ καὶ πληγὰς ἐνέτειναν ἐμοί, καὶ τοσαύτην κραυγὴν καὶ θόρυβον περὶ τὴν σκηνὴν ἐποίησαν, ὥστε καὶ τὸν στρατηγὸν καὶ τοὺς ταξιάρχους ἐλθεῖν καὶ τῶν ἄλλων τινὰς στρατιωτῶν, οἵπερ ἐκώλυσαν μηδὲν ἡμᾶς ἀνήκεστον παθεῖν μηδ' αὐτοὺς ποιῆσαι παροινουμένους ὑπὸ τούτων. τοῦ δὲ πράγματος εἰς τοῦτο προελθόντος, ὡς δεῦρ' ἐπανήλθομεν, ἦν ἡμῖν, οἷον εἰκός, ἐκ τούτων ὀργὴ καὶ ἔχθρα πρὸς ἀλλήλους. οὐ μὴν ἔγωγε μὰ τοὺς θεοὺς ᾤμην δεῖν οὔτε δίκην λαχεῖν αὐτοῖς οὔτε λόγον ποιεῖσθαι τῶν συμβάντων οὐδένα, ἀλλ' ἐκεῖνο ἁπλῶς ἐγνώκειν, τὸ λοιπὸν εὐλαβεῖσθαι καὶ φυλάττεσθαι μὴ πλησιάζειν τοῖς τοιούτοις. πρῶτον μὲν οὖν ὧν εἴρηκα τούτων βούλομαι τὰς μαρτυρίας παρασχόμενος, μετὰ ταῦθ' οἵ' ὑπ' αὐτοῦ τούτου πέπονθ' ἐπιδεῖξαι, ἵν' εἰδῆθ' ὅτι ᾧ προσῆκε τοῖς τὸ πρῶτον ἁμαρτηθεῖσιν ἐπιτιμᾶν, οὗτος αὐτὸς πρὸς τούτοις πολλῷ δεινότερ' εἴργασται.

ΜΑΡΤΥΡΙΑΙ.

Ὧν μὲν τοίνυν οὐδέν' ᾤμην δεῖν λόγον ποιεῖσθαι, ταῦτ' ἔστιν. χρόνῳ δ' ὕστερον οὐ πολλῷ περιπατοῦντος, ὥσπερ

εἰώθειν, ἑσπέρας ἐν ἀγορᾷ μου μετὰ Φανοστράτου τοῦ Κηφισιέως, τῶν ἡλικιωτῶν τινός, παρέρχεται Κτησίας ὁ υἱὸς ὁ τούτου, μεθύων, κατὰ τὸ Λεωκόριον, ἐγγὺς τῶν Πυθοδώρου. κατιδὼν δ' ἡμᾶς καὶ κραυγάσας, καὶ διαλεχθείς τι πρὸς αὐτὸν οὕτως ὡς ἂν μεθύων, ὥστε μὴ μαθεῖν ὅ τι λέγοι, παρῆλθε πρὸς Μελίτην ἄνω. ἔπινον γὰρ ἐνταῦθα (ταῦτα γὰρ ὕστερον ἐπυθόμεθα) παρὰ Παμφίλῳ τῷ κναφεῖ Κόνων οὑτοσί, Θεότιμός τις, Ἀρχεβιάδης, Σπίνθαρος ὁ Εὐβούλου, Θεογένης ὁ Ἀνδρομένους, πολλοί τινες, οὓς ἐξαναστήσας ὁ Κτησίας ἐπορεύετ' εἰς τὴν ἀγοράν. καὶ 8
ἡμῖν συνέβαινεν ἀναστρέφουσιν ἀπὸ τοῦ Φερρεφαττίου καὶ περιπατοῦσι πάλιν κατ' αὐτό πως τὸ Λεωκόριον εἶναι, καὶ τούτοις περιτυγχάνομεν. ὡς δ' ἀνεμείχθημεν, εἷς μὲν αὐτῶν, ἀγνώς τις, τῷ Φανοστράτῳ προσπίπτει καὶ κατεῖχεν ἐκεῖνον, Κόνων δ' οὑτοσὶ καὶ ὁ υἱὸς αὐτοῦ καὶ ὁ Ἀνδρομένους υἱὸς ἐμοὶ προσπεσόντες, τὸ μὲν πρῶτον ἐξέδυσαν, εἶθ' ὑποσκελίσαντες καὶ ῥάξαντες εἰς τὸν βόρβορον, οὕτω διέθηκαν ἐναλλόμενοι καὶ παίοντες, ὥστε τὸ μὲν χεῖλος διακόψαι, τοὺς δ' ὀφθαλμοὺς συγκλεῖσαι· οὕτω δὲ κακῶς ἔχοντα κατέλιπον, ὥστε μήτ' ἀναστῆναι μήτε φθέγξασθαι δύνασθαι. κείμενος δ' αὐτῶν ἤκουον πολλὰ καὶ δεινὰ λεγόντων. καὶ τὰ μὲν ἄλλα καὶ βλασφημίαν ἔχει τινὰ καὶ 9
λέγειν ὀκνήσαιμ' ἂν ἐν ὑμῖν ἔνια, ὃ δὲ τῆς ὕβρεώς ἐστι τῆς τούτου σημεῖον καὶ τεκμήριον τοῦ πᾶν τὸ πρᾶγμ' ὑπὸ τούτου γεγενῆσθαι, τοῦθ' ὑμῖν ἐρῶ· ᾖδε γὰρ τοὺς ἀλεκτρυόνας μιμούμενος τοὺς νενικηκότας, οἱ δὲ κροτεῖν τοῖς ἀγκῶσιν αὐτὸν ἠξίουν ἀντὶ πτερύγων τὰς πλευράς. καὶ μετὰ ταῦτ' ἐγὼ μὲν ἀπεκομίσθην ὑπὸ τῶν παρατυχόντων γυμνός, οὗτοι δ' ᾤχοντο θοἰμάτιον λαβόντες μου. ὡς δ' ἐπὶ τὴν θύραν ἦλθον, κραυγὴ καὶ βοὴ τῆς μητρὸς καὶ τῶν θεραπαινίδων ἦν, καὶ μόγις ποτ' εἰς βαλανεῖον ἐνεγκόντες με καὶ περιπλύναντες ἔδειξαν τοῖς ἰατροῖς. ὡς οὖν ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ.

10 Συνέβη τοίνυν ὦ ἄνδρες δικασταὶ καὶ Εὐξίθεον τουτονὶ τὸν Χολλείδην, ὄνθ' ἡμῖν συγγενῆ, καὶ Μειδίαν μετὰ τούτου, ἀπὸ δείπνου ποθὲν ἀπιόντας περιτυχεῖν πλησίον ὄντι μοι τῆς οἰκίας ἤδη, καὶ εἰς τὸ βαλανεῖον φερομένῳ παρακολουθῆσαι, καὶ ἰατρὸν ἄγουσι παραγενέσθαι. οὕτω δ' εἶχον ἀσθενῶς, ὥσθ', ἵνα μὴ μακρὰν φεροίμην οἴκαδ' ἐκ τοῦ βαλανείου, ἐδόκει τοῖς παροῦσιν ὡς τὸν Μειδίαν ἐκείνην τὴν ἑσπέραν κομίσαι, καὶ ἐποίησαν οὕτω. λάβ' οὖν καὶ τὰς τούτων μαρτυρίας, ἵν' εἰδῆθ' ὅτι πολλοὶ συνίσασιν ὡς ὑπὸ τούτων ὑβρίσθην.

ΜΑΡΤΥΡΙΑΙ.

Λαβὲ δὴ καὶ τὴν τοῦ ἰατροῦ μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

11 Τότε μὲν τοίνυν παραχρῆμ' ὑπὸ τῶν πληγῶν ὧν ἔλαβον καὶ τῆς ὕβρεως οὕτω διετέθην, ὡς ἀκούετε καὶ μεμαρτύρηται παρὰ πάντων ὑμῖν τῶν εὐθὺς ἰδόντων. μετὰ ταῦτα δὲ τῶν μὲν οἰδημάτων τῶν ἐν τῷ προσώπῳ καὶ τῶν ἑλκῶν οὐδὲν ἔφη φοβεῖσθαι λίαν ὁ ἰατρός, πυρετοὶ δὲ παρηκολούθουν μοι συνεχεῖς καὶ ἀλγήματα, ὅλου μὲν τοῦ σώματος πάνυ σφοδρὰ καὶ δεινά, μάλιστα δὲ τῶν πλευρῶν καὶ τοῦ ἤτρου, καὶ τῶν
12 σιτίων ἀπεκεκλείμην. καὶ ὡς μὲν ὁ ἰατρὸς ἔφη, εἰ μὴ κάθαρσις αἵματος αὐτομάτη μοι πάνυ πολλὴ συνέβη περιωδύνῳ τ' ὄντι καὶ ἀπορουμένῳ ἤδη, κἂν ἔμπυος γενόμενος διεφθάρην· νῦν δὲ τοῦτ' ἔσωσε τὸ αἷμ' ἀποχωρῆσαν. ὡς οὖν καὶ ταῦτ' ἀληθῆ λέγω, καὶ παρηκολούθησέ μοι τοιαύτη νόσος ἐξ ἧς εἰς τοὔσχατον ἦλθον, ἐξ ὧν ὑπὸ τούτων ἔλαβον πληγῶν, λέγε τὴν τοῦ ἰατροῦ μαρτυρίαν καὶ τὴν τῶν ἐπισκοπούντων.

ΜΑΡΤΥΡΙΑΙ.

13 Ὅτι μεν τοίνυν οὐ μετρίας τινὰς καὶ φαύλας λαβὼν πληγάς, ἀλλ' εἰς πᾶν ἐλθὼν διὰ τὴν ὕβριν καὶ τὴν ἀσέλγειαν

τὴν τούτων, πολὺ τῆς προσηκούσης ἐλάττω δίκην εἴληχα, πολλαχόθεν νομίζω δῆλον ὑμῖν γεγενῆσθαι. οἶομαι δ' ὑμῶν ἐνίους θαυμάζειν, τί ποτ' ἐστὶν ἃ πρὸς ταῦτα τολμήσει Κόνων λέγειν. βούλομαι δὴ προειπεῖν ὑμῖν, ἃ ἐγὼ πέπυσμαι λέγειν αὐτὸν παρεσκευάσθαι, ἀπὸ τῆς ὕβρεως καὶ τῶν πεπραγμένων τὸ πρᾶγμ' ἄγοντ' εἰς γέλωτα καὶ σκώμματ' ἐμβαλεῖν πειράσεσθαι, καὶ ἐρεῖν ὡς εἰσὶν ἐν τῇ πόλει 14 πολλοί, καλῶν κἀγαθῶν ἀνδρῶν υἱεῖς, οἳ παίζοντες οἵ' ἄνθρωποι νέοι σφίσιν αὐτοῖς ἐπωνυμίας πεποίηνται, καὶ καλοῦσι τοὺς μὲν ἰθυφάλλους, τοὺς δ' αὐτοληκύθους, ἐρῶσι δ' ἐκ τούτων ἑταιρῶν τινές, καὶ δὴ καὶ τὸν υἱὸν τὸν ἑαυτοῦ εἶναι τούτων ἕνα, καὶ πολλάκις περὶ ἑταίρας καὶ εἰληφέναι καὶ δεδωκέναι πληγάς, καὶ ταῦτ' εἶναι νέων ἀνθρώπων. ἡμᾶς δὲ πάντας τοὺς ἀδελφοὺς παροίνους μέν τινας καὶ ὑβριστὰς κατασκευάσει, ἀγνώμονας δὲ καὶ πικρούς. ἐγὼ 15 δ' ὦ ἄνδρες δικασταὶ χαλεπῶς ἐφ' οἷς πέπονθα ἐνηνοχώς, οὐχ ἧττον τοῦτ' ἀγανακτήσαιμ' ἂν καὶ ὑβρισθῆναι νομίσαιμ', εἰ οἷόν τ' εἰπεῖν, εἰ ταῦτ' ἀληθῆ δόξει Κόνων οὑτοσὶ λέγειν περὶ ἡμῶν, καὶ τοσαύτη τις ἄγνοια παρ' ὑμῖν ἐστιν, ὥσθ', ὁποῖος ἄν τις ἕκαστος εἶναι φῇ, ἢ ὁ πλησίον αὐτὸν αἰτιάσηται, τοιοῦτος νομισθήσεται, τοῦ δὲ καθ' ἡμέραν βίου καὶ τῶν ἐπιτηδευμάτων μηδ' ὁτιοῦν ἔσται τοῖς μετρίοις ὄφελος. ἡμεῖς γὰρ οὔτε παροινοῦντες οὐθ' ὑβρίζοντες ὑπ' 16 οὐδενὸς ἀνθρώπων ἑωράμεθα, οὔτ' ἄγνωμον οὐδὲν ἡγούμεθα ποιεῖν, εἰ περὶ ὧν ἠδικήμεθ' ἀξιοῦμεν κατὰ τοὺς νόμους δίκην λαβεῖν. ἰθυφάλλοις δὲ καὶ αὐτοληκύθοις συγχωροῦμεν εἶναι τοῖς υἱέσι τοῖς τούτου, καὶ ἔγωγ' εὔχομαι τοῖς θεοῖς εἰς Κόνωνα καὶ τοὺς υἱεῖς τοὺς τούτου καὶ ταῦτα καὶ τὰ τοιαῦθ' ἅπαντα τρέπεσθαι. οὗτοι γάρ εἰσιν οἱ τελοῦντες 17 ἀλλήλους τῷ ἰθυφάλλῳ, καὶ τοιαῦτα ποιοῦντες ἃ πολλὴν αἰσχύνην ἔχει καὶ λέγειν, μὴ ὅτι γε δὴ ποιεῖν ἀνθρώπους μετρίους. ἀλλὰ τί ταῦτ' ἐμοί; θαυμάζω γὰρ ἔγωγ', εἴ τίς ἐστιν πρόφασις παρ' ὑμῖν ἣ σκῆψις εὑρημένη, δι' ἣν, ἂν

ὑβρίζων τις ἐξελέγχηται καὶ τύπτων, δίκην οὐ δώσει. οἱ μὲν γὰρ νόμοι πολὺ τἀναντία καὶ τὰς ἀναγκαίας προφάσεις, ὅπως μὴ μείζους γίγνωνται, προείδοντο, οἷον (ἀνάγκη γάρ μοι ταῦτα καὶ ζητεῖν καὶ πυνθάνεσθαι διὰ τοῦτον γέγονεν)
18 εἰσὶ κακηγορίας δίκαι· φασὶ τοίνυν ταύτας διὰ τοῦτο γίγνεσθαι, ἵνα μὴ λοιδορούμενοι τύπτειν ἀλλήλους προάγωνται. πάλιν αἰκίας εἰσίν· καὶ ταύτας ἀκούω διὰ τοῦτ' εἶναι τὰς δίκας, ἵνα μηδείς, ὅταν ἥττων ᾖ, λίθῳ μηδὲ τῶν τοιούτων ἀμύνηται μηδενί, ἀλλὰ τὴν ἐκ τοῦ νόμου δίκην ἀναμένῃ. τραύματος πάλιν εἰσὶ γραφαί, τοῦ μὴ τιτρωσκομένων τινῶν
19 φόνους γίγνεσθαι. τὸ φαυλότατον, οἶμαι, τὸ τῆς λοιδορίας, πρὸ τοῦ τελευταίου καὶ δεινοτάτου προεώραται, τοῦ μὴ φόνον γίγνεσθαι, μηδ' ὑπάγεσθαι κατὰ μικρὸν ἐκ μὲν λοιδορίας εἰς πληγάς, ἐκ δὲ πληγῶν εἰς τραύματα, ἐκ δὲ τραυμάτων εἰς θάνατον, ἀλλ' ἐν τοῖς νόμοις εἶναι τούτων ἑκάστου τὴν δίκην, μὴ τῇ τοῦ προστυχόντος ὀργῇ μηδὲ
20 βουλήσει ταῦτα κρίνεσθαι. εἶτ' ἐν μὲν τοῖς νόμοις οὕτως· ἂν δ' εἴπῃ Κόνων 'ἰθύφαλλοί τινές ἐσμεν ἡμεῖς συνηγμένοι, καὶ ἐρῶντες οὓς ἂν ἡμῖν δόξῃ παίομεν καὶ ἄγχομεν,' εἶθ' ὑμεῖς γελάσαντες ἀφήσετε; οὐκ οἶομαί γε. οὐ γὰρ ἂν γέλως ὑμῶν ἔλαβ' οὐδένα, εἰ παρὼν ἐτύγχανεν, ἡνίχ' εἱλκόμην καὶ ἐξεδυόμην καὶ ὑβριζόμην, καὶ ὑγιὴς ἐξελθὼν φοράδην ἦλθον οἴκαδε, ἐξεπεπηδήκει δὲ μετὰ ταῦθ' ἡ μήτηρ, καὶ κραυγὴ καὶ βοὴ τῶν γυναικῶν τοσαύτη παρ' ἡμῖν ἦν ὥσπερ
21 ἀνεὶ τεθνεῶτός τινος, ὥστε τῶν γειτόνων τινὰς πέμψαι πρὸς ἡμᾶς ἐρησομένους ὅ τι ἐστὶ τὸ συμβεβηκός. ὅλως δ' ὦ ἄνδρες δικασταὶ δίκαιον μὲν οὐδενὶ δήπου σκῆψιν οὐδεμίαν τοιαύτην οὐδ' ἄδειαν ὑπάρχειν παρ' ὑμῖν, δι' ἣν ὑβρίζειν ἐξέσται· εἰ δ' ἄρ' ἐστί τῳ, τοῖς δι' ἡλικίαν τούτων τι πράττουσι, τούτοις ἀποκεῖσθαι προσήκει τὰς τοιαύτας καταφυγάς, κἀκείνοις οὐκ εἰς τὸ μὴ δοῦναι δίκην, ἀλλ' εἰς τὸ τῆς προσ-
22 ηκούσης ἐλάττω. ὅστις δ' ἐτῶν μέν ἐστι πλειόνων ἢ πεντήκοντα, παρὼν δὲ νεωτέροις ἀνθρώποις καὶ τούτοις

υἱέσιν, οὐχ ὅπως ἀπέτρεψεν ἢ διεκώλυσεν, ἀλλ' αὐτὸς ἡγεμὼν καὶ πρῶτος καὶ πάντων βδελυρώτατος γεγένηται, τίν' ἂν οὗτος ἀξίαν τῶν πεπραγμένων ὑπόσχοι δίκην; ἐγὼ μὲν γὰρ οὐδ' ἀποθανόντ' οἶομαι. καὶ γὰρ εἰ μηδὲν αὐτὸς εἴργαστο τῶν πεπραγμένων, ἀλλ' εἰ παρεστηκότος τούτου Κτησίας ὁ υἱὸς ὁ τούτου ταῦθ' ἅπερ νυνὶ πεποιηκὼς ἐφαίνετο, τοῦτον ἐμισεῖτ' ἂν δικαίως. εἰ γὰρ οὕτω τοὺς αὑτοῦ 23
προῆκται παῖδας, ὥστ' ἐναντίον ἐξαμαρτάνοντας ἑαυτοῦ, καὶ ταῦτ' ἐφ' ὧν ἐνίοις θάνατος ἡ ζημία κεῖται, μήτε φοβεῖσθαι μήτ' αἰσχύνεσθαι, τί τοῦτον οὐκ ἂν εἰκότως παθεῖν οἴεσθε; ἐγὼ μὲν γὰρ ἡγοῦμαι ταῦτ' εἶναι σημεῖα τοῦ μηδὲ τοῦτον τὸν ἑαυτοῦ πατέρ' αἰσχύνεσθαι· εἰ γὰρ ἐκεῖνον αὐτὸς ἐτίμα καδεδίει, κἂν τούτους αὐτὸν ἠξίου.

Λαβὲ δή μοι καὶ τοὺς νόμους, τόν τε τῆς ὕβρεως καὶ τὸν 24
περὶ τῶν λωποδυτῶν· καὶ γὰρ τούτοις ἀμφοτέροις ἐνόχους τούτους ὄψεσθε. λέγε.

NOMOI.

Τούτοις τοῖς νόμοις ἀμφοτέροις ἐκ τῶν πεπραγμένων ἔνοχος Κόνων ἐστὶν οὑτοσί· καὶ γὰρ ὕβριζεν καὶ ἐλωποδύτει, εἰ δὲ μὴ κατὰ τούτους προειλόμεθ' ἡμεῖς δίκην λαμβάνειν, ἡμεῖς μὲν ἀπράγμονες καὶ μέτριοι φαινοίμεθ' ἂν εἰκότως, οὗτος δ' ὁμοίως πονηρός. καὶ μὴν εἰ παθεῖν τί μοι συνέβη 25
φόνου καὶ τῶν δεινοτάτων ἂν ἦν ὑπόδικος. τὸν γοῦν τῆς Βραυρωνόθεν ἱερείας πατέρ' ὁμολογουμένως οὐχ ἁψάμενον τοῦ τελευτήσαντος, ὅτι τῷ πατάξαντι τύπτειν παρεκελεύσατο, ἐξέβαλ' ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου. δικαίως· εἰ γὰρ οἱ παρόντες ἀντὶ τοῦ κωλύειν τοὺς ἢ δι' οἶνον ἢ δι' ὀργὴν ἤ τιν' ἄλλην αἰτίαν ἐξαμαρτάνειν ἐπιχειροῦντας αὐτοὶ παροξυνοῦσιν, οὐδεμί' ἐστὶν ἐλπὶς σωτηρίας τῷ περιπίπτοντι τοῖς ἀσελγαίνουσιν, ἀλλ' ἕως ἂν ἀπείπωσιν, ὑβρίζεσθαι ὑπάρξει· ὅπερ ἐμοὶ συνέβη.

26 Ἃ τοίνυν, ὅθ' ἡ δίαιτ' ἐγίγνετ', ἐποίουν, βούλομαι πρὸς ὑμᾶς εἰπεῖν· καὶ γὰρ ἐκ τούτων τὴν ἀσέλγειαν θεάσεσθ' αὐτῶν. ἐποίησαν μὲν ἔξω μέσων νυκτῶν τὴν ὥραν, οὔτε τὰς μαρτυρίας ἀναγιγνώσκειν ἐθέλοντες, οὔτ' ἀντίγραφα διδόναι, τῶν τε παρόντων ἡμῖν καθ' ἕν' οὑτωσὶ πρὸς τὸν λίθον ἄγοντες καὶ ἐξορκοῦντες, καὶ γράφοντες μαρτυρίας οὐδὲν πρὸς τὸ πρᾶγμα, ἀλλ' ἐξ ἑταίρας εἶναι παιδίον αὐτῷ τοῦτο καὶ πεπονθέναι τὰ καὶ τά, ἃ μὰ τοὺς θεούς, ὦ ἄνδρες δικασταί, οὐδεὶς ὅστις οὐκ ἐπετίμα τῶν παρόντων καὶ ἐμίσει,
27 τελευτῶντες δὲ καὶ αὐτοὶ ἑαυτούς. ἐπειδὴ δ' οὖν ποτ' ἀπεῖπον κἀνεπλήσθησαν ταῦτα ποιοῦντες, προκαλοῦνται ἐπὶ διακρούσει καὶ τῷ μὴ σημανθῆναι τοὺς ἐχίνους, ἐθέλειν ἐκδοῦναι περὶ τῶν πληγῶν παῖδας, ὀνόματα γράψαντες. καὶ νῦν οἶμαι περὶ τοῦτ' ἔσεσθαι τοὺς πολλοὺς τῶν λόγων αὐτοῖς. ἐγὼ δ' οἶμαι δεῖν πάντας ὑμᾶς ἐκεῖνο σκοπεῖν, ὅτι οὗτοι, εἰ τοῦ γενέσθαι τὴν βάσανον ἕνεκα προὐκαλοῦντο κἀπίστευον τῷ δικαίῳ τούτῳ, οὐκ ἂν ἤδη τῆς διαίτης ἀπο-
28 φαινομένης, νυκτός, οὐδεμιᾶς ὑπολοίπου σκήψεως οὔσης, προὐκαλοῦντο, ἀλλὰ τοῦτο μὲν πρὸ τοῦ τὴν δίκην ληχθῆναι, ἡνίκ' ἀσθενῶν ἐγὼ κατεκείμην, καὶ οὐκ εἰδὼς εἰ περιφεύξομαι, πρὸς ἅπαντας τοὺς εἰσιόντας τοῦτον ἀπέφαινον τὸν πρῶτον πατάξαντα καὶ τὰ πλεῖσθ' ὧν ὑβρίσμην διαπεπραγμένον, τότ' ἂν εὐθέως ἦκεν ἔχων μάρτυρας πολλοὺς ἐπὶ τὴν οἰκίαν, τότ' ἂν τοὺς οἰκέτας παρεδίδου καὶ τῶν ἐξ Ἀρείου πάγου τινὰς παρεκάλει· εἰ γὰρ ἀπέθανον, παρ' ἐκείνοις ἂν
29 ἦν ἡ δίκη. εἰ δ' ἄρ' ἠγνόησε ταῦτα, καὶ τοῦτο τὸ δίκαιον ἔχων, ὡς νῦν φήσει, μὴ παρεσκευάσατ' ὑπὲρ τηλικούτου κινδύνου, ἐπειδὴ γ' ἀνεστηκὼς ἤδη προσεκαλεσάμην αὐτόν, ἐν τῇ πρώτῃ συνόδῳ πρὸς τῷ διαιτητῇ παραδιδοὺς ἐφαίνετ' ἄν· ὧν οὐδὲν πέπρακται τούτῳ. ὅτι δ' ἀληθῆ λέγω καὶ διακρούσεως ἕνεχ' ἡ πρόκλησις ἦν, λέγε ταύτην τὴν μαρτυρίαν· ἔσται γὰρ ἐκ ταύτης φανερόν.

ΜΑΡΤΥΡΙΑ.

Περὶ μὲν τοίνυν τῆς βασάνου ταῦτα μέμνησθε, τὴν ὥραν 30
ἡνίκα προὐκαλεῖτο, ὧν ἕνεκ' ἐκκρούων ταῦτ' ἐποίει, τοὺς
χρόνους τοὺς πρώτους, ἐν οἷς οὐδαμοῦ τοῦτο βουληθεὶς τὸ
δίκαιον αὑτῷ γενέσθαι φαίνεται, οὐδὲ προκαλεσάμενος, οὐδ'
ἀξιώσας. ἐπειδὴ τοίνυν ταῦτα πάντ' ἠλέγχεθ', ἅπερ καὶ
νῦν, πρὸς τῷ διαιτητῇ, καὶ φανερῶς ἐδείκνυτο πᾶσιν ὢν
ἔνοχος τοῖς ἐγκεκλημένοις, ἐμβάλλεται μαρτυρίαν ψευδῆ,
κἀπιγράφεται μάρτυρας ἀνθρώπους οὓς οὐδ' ὑμᾶς ἀγνοήσειν 31
οἴομαι, ἐὰν ἀκούσητε, Διότιμος Διοτίμου Ἰκαριεύς, Ἀρχε-
βιάδης Δημοτέλους Ἀλαιεύς, Χαιρέτιμος Χαιριμένους Πι-
θεὺς μαρτυροῦσιν ἀπιέναι ἀπὸ δείπνου μετὰ Κόνωνος, καὶ
προσελθεῖν ἐν ἀγορᾷ μαχομένοις Ἀρίστωνι καὶ τῷ υἱεῖ τῷ
Κόνωνος, καὶ μὴ πατάξαι Κόνωνα Ἀρίστωνα', ὡς ὑμᾶς 32
εὐθέως πιστεύσοντας, τὸ δ' ἀληθὲς οὐ λογιουμένους, ὅτι
πρῶτον μὲν οὐδέποτ' ἂν οὔθ' ὁ Λυσίστρατος οὔθ' ὁ Πασέας
οὔθ' ὁ Νικήρατος οὔθ' ὁ Διόδωρος, οἳ διαρρήδην μεμαρτυρή-
κασιν ὁρᾶν ὑπὸ Κόνωνος τυπτόμενόν με καὶ θοἰμάτιον
ἐκδυόμενον καὶ τἄλλ' ὅσ' ἔπασχον ὑβριζόμενον, ἀγνῶτες
ὄντες κἀπὸ ταὐτομάτου παραγενόμενοι τῷ πράγματι τὰ ψευ-
δῆ μαρτυρεῖν ἠθέλησαν, εἰ μὴ ταῦθ' ἑώρων πεπονθότα·
ἔπειτ' αὐτὸς ἔγωγ' οὐδέποτ' ἄν, μὴ παθὼν ὑπὸ τούτου
ταῦτα, ἀφεὶς τοὺς καὶ παρ' αὐτῶν τούτων ὁμολογουμένους
τύπτειν ἐμέ, πρὸς τὸν οὐδ' ἀψάμενον πρῶτον εἰσιέναι
προειλόμην. τί γὰρ ἄν; ἀλλ' ὑφ' οὗ γε πρώτου τ' ἐπλήγην 33
καὶ μάλισθ' ὑβρίσθην, τούτῳ καὶ δικάζομαι καὶ μισῶ καὶ
ἐπεξέρχομαι. καὶ τὰ μὲν παρ' ἐμοῦ πάνθ' οὕτως ἐστὶν
ἀληθῆ καὶ φαίνεται· τούτῳ δὲ μὴ παρασχομένῳ τούτους
μάρτυρας ἦν δήπου λόγος οὐδείς, ἀλλ' ἠλωκέναι παραχρῆμ'
ὑπῆρχε σιωπῇ. συμπόται δ' ὄντες τούτου καὶ πολλῶν
τοιούτων ἔργων κοινωνοί, εἰκότως τὰ ψευδῆ μεμαρτυρήκασιν.
εἰ δ' ἔσται τὸ πρᾶγμα τοιοῦτον, ἐὰν ἅπαξ ἀπαναισχυντήσω-
σίν τινες καὶ τὰ ψευδῆ φανερῶς τολμήσωσιν μαρτυρεῖν,

οὐδὲν δὲ τῆς ἀληθείας ὄφελος, πάνδεινον ἔσται πρᾶγμα.
34 ἀλλὰ νὴ Δί' οὐκ εἰσὶ τοιοῦτοι. ἀλλ' ἴσασιν ὑμῶν, ὡς ἐγὼ νομίζω, πολλοὶ καὶ τὸν Διότιμον καὶ τὸν Ἀρχεβιάδην καὶ τὸν Χαιρέτιμον τὸν ἐπιπόλιον τουτονί, οἳ μεθ' ἡμέραν μὲν ἐσκυθρωπάκασι καὶ λακωνίζειν φασὶ καὶ τρίβωνας ἔχουσιν καὶ ἁπλᾶς ὑποδέδενται, ἐπειδὰν δὲ συλλεγῶσι καὶ μετ' ἀλλήλων γένωνται, κακῶν καὶ αἰσχρῶν οὐδὲν ἐλλείπουσι.
35 καὶ ταῦτα τὰ λαμπρὰ καὶ νεανικά ἐστιν αὐτῶν 'οὐ γὰρ ἡμεῖς μαρτυρήσομεν ἀλλήλοις; οὐ γὰρ ταῦθ' ἑταίρων ἐστὶ καὶ φίλων; τί δὲ καὶ δεινόν ἐστιν ὧν παρέξεται κατὰ σοῦ; τυπτόμενόν φασί τινες ὁρᾶν; ἡμεῖς δὲ μηδ' ἥφθαι τὸ παράπαν μαρτυρήσομεν. ἐκδεδύσθαι θοἰμάτιον; τοῦτ' ἐκείνους προτέρους πεποιηκέναι ἡμεῖς μαρτυρήσομεν. τὸ χεῖλος ἐρράφθαι; τὴν κεφαλὴν δέ γ' ἡμεῖς ἢ ἕτερόν τι κατεαγέναι
36 φήσομεν.' ἀλλὰ καὶ μάρτυρας ἰατροὺς παρέχομαι. τοῦτ' οὐκ ἔστιν ὦ ἄνδρες δικασταὶ παρὰ τούτοις· ὅσα γὰρ μὴ δι' ἑαυτῶν, οὐδενὸς μάρτυρος καθ' ἡμῶν εὐπορήσουσιν. ἡ δ' ἀπ' αὐτῶν ἑτοιμότης οὐδ' ἂν εἰπεῖν μὰ τοὺς θεοὺς δυναίμην ὅση καὶ οἵα πρὸς τὸ ποιεῖν ὁτιοῦν ὑπάρχει. ἵνα δ' εἰδῆθ' οἷα καὶ διαπραττόμενοι περιέρχονται, λέγ' αὐτοῖς ταυτασὶ τὰς μαρτυρίας, σὺ δ' ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΙΑΙ.

37 Τοίχους τοίνυν διορύττοντες καὶ παίοντες τοὺς ἀπαντῶντας, ἆρ' ἂν ὑμῖν ὀκνῆσαι δοκοῦσιν ἐν γραμματειδίῳ τὰ ψευδῆ μαρτυρεῖν ἀλλήλοις οἱ κεκοινωνηκότες τοσαύτης καὶ τοιαύτης φιλαπεχθημοσύνης καὶ πονηρίας καὶ ἀναιδείας καὶ ὕβρεως; πάντα γὰρ ταῦτ' ἔμοιγ' ἐν τοῖς ὑπὸ τούτων πραττομένοις ἐνεῖναι δοκεῖ. καίτοι καὶ τούτων ἕτερ' ἐστὶ πεπραγμένα τούτοις δεινότερα, ἀλλ' ἡμεῖς οὐχ οἷοί τε γενοίμεθ' ἂν πάντας ἐξευρεῖν τοὺς ἠδικημένους.
38 Ὃ τοίνυν πάντων ἀναιδέστατον μέλλειν αὐτὸν ἀκούω ποιεῖν, βέλτιον νομίζω προειπεῖν ὑμῖν εἶναι. φασὶ γὰρ

παραστησάμενον τοὺς παῖδας αὐτὸν κατὰ τούτων ὀμεῖσθαι, καὶ ἀράς τινας δεινὰς καὶ χαλεπὰς ἐπαράσεσθαι καὶ τοιαύτας, οἵας ἀκηκοώς γέ τις θαυμάσας ἀπήγγελλεν ἡμῖν. ἔστι δ' ὦ ἄνδρες δικασταὶ ἀνυπόστατα μὲν τὰ τοιαῦτα τολμήματα· οἶ γὰρ οἶμαι βέλτιστοι καὶ ἥκιστ' ἂν αὐτοί τι ψευσάμενοι, μάλισθ' ὑπὸ τῶν τοιούτων ἐξαπατῶνται· οὐ μὴν ἀλλὰ δεῖ πρὸς τὸν βίον καὶ τὸν τρόπον ἀποβλέποντας πιστεύειν. τὴν δὲ τούτου πρὸς τὰ τοιαῦτ' ὀλιγωρίαν ἐγὼ πρὸς ὑμᾶς 39
ἐρῶ· πέπυσμαι γὰρ ἐξ ἀνάγκης. ἀκούω γὰρ ὦ ἄνδρες δικασταὶ Βάκχιόν τέ τινα, ὃς παρ' ὑμῖν ἀπέθανε, καὶ Ἀριστοκράτην τὸν τοὺς ὀφθαλμοὺς διεφθαρμένον καὶ τοιούτους ἑτέρους καὶ Κόνωνα τουτονί, ἑταίρους εἶναι μειράκι' ὄντας καὶ Τριβαλλοὺς ἐπωνυμίαν ἔχειν· τούτους τά θ' Ἑκαταῖα κατεσθίειν, καὶ τοὺς ὄρχεις τοὺς ἐκ τῶν χοίρων, οἷς καθαίρουσ' ὅταν εἰσιέναι μέλλωσι, συλλέγοντας ἑκάστοτε συνδειπνεῖν ἀλλήλοις, καὶ ῥᾳδίως ὀμνύναι κἀπιορκεῖν ἢ ὁτιοῦν. οὐ 40
δὴ Κόνων ὁ τοιοῦτος πιστός ἐστιν ὀμνύων· οὐδὲ πολλοῦ δεῖ· ἀλλ' ὃ μηδ' εὔορκον μηδὲν ἂν ὀμόσας ὢν μὴ νομίζετε, κατὰ δὲ δὴ παίδων μηδ' ἂν μελλήσας, ἀλλὰ κἂν ὁτιοῦν παθὼν πρότερον, εἰ δ' ἄρ' ἀναγκαῖον, ὀμνύων ὡς νόμιμον, κατ' ἐξωλείας αὐτοῦ καὶ γένους καὶ οἰκίας, ἀξιοπιστότερος τοῦ κατὰ τῶν παίδων ὀμνύντος καὶ διὰ τοῦ πυρός. ἐγὼ τοίνυν ὁ δικαιότερόν σου πιστευθεὶς ἂν κατὰ πάντ' ὦ Κόνων, ἠθέλησ' ὀμόσαι ταυτί, οὐχ ὑπὲρ τοῦ μὴ δοῦναι δίκην, ὧν ἠδίκηκα, ὁτιοῦν ποιῶν, ὥσπερ σύ, ἀλλ' ὑπὲρ τῆς ἀληθείας καὶ ὑπὲρ τοῦ μὴ προσυβρισθῆναι, ὡς οὐ κατεπιορκησόμενος τὸ πρᾶγμα. λέγε τὴν πρόκλησιν.

ΠΡΟΚΛΗΣΙΣ.

Ταῦτ' ἐγὼ καὶ τότ' ἠθέλησα ὀμόσαι, καὶ νῦν ὀμνύω τοὺς 41
θεοὺς καὶ τὰς θεὰς ἅπαντας καὶ ἁπάσας ὑμῶν εἵνεκ', ὦ ἄνδρες δικασταί, καὶ τῶν περιεστηκότων, ἢ μὴν παθὼν ὑπὸ Κόνωνος ταῦθ' ὧν δικάζομαι, καὶ λαβὼν πληγάς, καὶ τὸ

χείλος διακοπεὶς οὕτως ὥστε καὶ ῥαφῆναι, καὶ ὑβρισθεὶς τὴν δίκην διώκειν. καὶ εἰ μὲν εὐορκῶ, πολλά μοι γένοιτο κἀγαθὰ καὶ μηδέποτ' αὖθις τοιοῦτο μηδὲν πάθοιμι, εἰ δ' ἐπιορκῶ, ἐξώλης ἀπολοίμην αὐτὸς καὶ εἴ τί μοι ἔστιν ἢ μέλλει ἔσεσθαι. ἀλλ' οὐκ ἐπιορκῶ, οὐδ' ἂν Κόνων διαρραγῇ.

42 ἄξιον τοίνυν ὑμᾶς ὦ ἄνδρες δικασταί, πάνθ' ὅσ' ἐστὶ δίκαι' ἐπιδείξαντος ἐμοῦ καὶ πίστιν προσθέντος ὑμῖν, ὥσπερ ἂν αὐτὸς ἕκαστος παθὼν τὸν πεποιηκότ' ἐμίσει, οὕτως ὑπὲρ ἐμοῦ πρὸς Κόνωνα τουτονὶ τὴν ὀργὴν ἔχειν, καὶ μὴ νομίζειν ἴδιον τῶν τοιούτων μηδέν, ὃ κἂν ἄλλῳ τυχὸν συμβαίη, ἀλλ' ἐφ' ὅτου ποτ' ἂν συμβῇ, βοηθεῖν καὶ τὰ δίκαι' ἀποδιδόναι, καὶ μισεῖν τοὺς πρὸ μὲν τῶν ἁμαρτημάτων θρασεῖς καὶ προπετεῖς, ἐν δὲ τῷ δίκην ὑπέχειν ἀναισχύντους καὶ πονηρούς, καὶ μήτε δόξης μήτ' ἔθους μήτ' ἄλλου μηδενὸς φροντίζοντας

43 πρὸς τὸ μὴ δοῦναι δίκην. ἀλλὰ δεήσεται Κόνων καὶ κλαήσει. σκοπεῖτε δὴ πότερός ἐστιν ἐλεινότερος, ὁ πεπονθὼς οἷ' ἐγὼ πέπονθ' ὑπὸ τούτου, εἰ προσυβρισθεὶς ἄπειμι καὶ δίκης μὴ τυχών, ἢ Κόνων, εἰ δώσει δίκην; πότερον δ' ὑμῶν ἑκάστῳ συμφέρει, ἐξεῖναι τύπτειν καὶ ὑβρίζειν ἢ μή; ἐγὼ μὲν οἶμαι μή. οὐκοῦν, ἂν μὲν ἀφιῇτ', ἔσονται πολλοί, ἐὰν δὲ κολάζητ', ἐλάττους.

44 Πόλλ' ἂν εἰπεῖν ἔχοιμ' ὦ ἄνδρες δικασταί, καὶ ὡς ἡμεῖς χρήσιμοι, καὶ αὐτοὶ καὶ ὁ πατήρ, ἕως ἔζη, καὶ τριηραρχοῦντες καὶ στρατευόμενοι καὶ τὸ προσταττόμενον ποιοῦντες, καὶ ὡς οὐδὲν οὔθ' οὗτος οὔτε τῶν τούτου οὐδείς· ἀλλ' οὔτε τὸ ὕδωρ ἱκανόν, οὔτε νῦν περὶ τούτων ὁ λόγος ἐστίν. εἰ γὰρ δὴ ὁμολογουμένως ἔτι τούτων καὶ ἀχρηστοτέροις καὶ πονηροτέροις ἡμῖν εἶναι συνέβαινεν, οὐ τυπτητέοι, οὐδ' ὑβριστέοι δήπουθέν ἐσμεν.

Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· οἶμαι γὰρ ὑμᾶς οὐδὲν ἀγνοεῖν τῶν εἰρημένων.

NOTES

ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ

THE original action begun by Chrysippus and his partner has been suspended until after the hearing of the *παραγραφή*, or special plea. Phormio has concluded his speech in support of it, trying to show that the action is not maintainable on the ground that, on the facts of the case, he is no longer under any obligation by the terms of the contract. Chrysippus now rises to reply.

§ 1 **ἐν τῷ μέρει**, 'speaking in our turn'. By employing the process of *παραγραφή*, Phormio has obtained the right to speak first. This, in Athenian eyes, would put the plaintiffs at a disadvantage. Cp. Demosth. *de Corona*, § 7 *ἐκ τοῦ πρότερος λέγειν ὁ διώκων ἰσχύει.*

γνόντας. The accusative follows on naturally after the infinitive *ἀκοῦσαι*, in spite of the preceding *ὑμῶν*; the expected genitive is precluded by *λέγοντων*.

ἰδιῶται, 'inexperienced in the law'. The desire to avoid the suspicion of being thought an experienced orator is common; cp. *Conon*, § 5, and a similar repudiation by Socrates in opening his defence (*Apology*, 17 B–C).

οὐδεμίαν. As a rule, *οὐδέ* standing thus at the beginning of a clause negatives all that follows: here, however, *οὔτε . . . οὔτε . . .*, which follow, are redundant.

§ 2 **οὐκ ἄν ποτ' ἐλάχομεν**, 'we should never have begun the action'. This use of *λαγχάνω* arises out of the fact that the presiding magistrate settled the order in which the cases on the list were to be heard by lot.

τῶν ἐν Βοσπόρῳ ἐπιδημησάντων. These were merchants engaged in business and resident at Panticapaeum. The fear of incurring a reputation for cowardice is a strong factor, where business communities are as small and as concentrated as they were in the ancient world.

τὸ μὴ βοηθῆσαι ἡμῖν, 'not to seek legal redress': *βοηθεῖν* is constantly used in this special sense by Demosthenes.

§ 3 τῆς παραγραφῆς. This, as the word shows, was a written plea; an older and more complex form of procedure was *διαμαρτυρία*, serving the same purpose, but involving the production of a witness.

οὗτοι, 'our opponents'. Phormio, the actual defendant, has the support of Lampis, as well as of others; cp. § 17.

οὐκέτι εἶναί φασι κτλ., 'they claim that they are no longer under any obligation by virtue of the contract'.

§ 4 παραγράφεσθαι δεδώκασιν, 'admit the production of a special plea'.

εὐθυδικίαν . . . διώκοντος. Phormio admits the existence of the contract according to law, and is only allowed by the law to defend himself in the ordinary course (*εὐθυδικία*), and not to 'accuse the prosecutor', i. e. not to put the plaintiff in the position of second speaker—or defendant, as it were—by employing the process of *παραγραφή*. Cp. note on § 1 *ἐν τῷ μέρει*.

§ 5 τῷ Δίωνος οἰκέτῃ. This slave of Dion acts throughout with great freedom, as his own behaviour both on the voyage and at the arbitration shows. Possibly *οἰκέτης* is used loosely, and he was really a freedman, 'employee' or 'servant', since slaves could not appear as parties in the law courts, and their evidence was as a rule only admitted under torture.

οὐδ' ἐνῆν αὐτῷ ἀποδοῦναι, 'it was quite impossible for him to pay', because he was unable to dispose of his cargo (cp. §§ 8, 9).

§ 6 ἀμφοτερόπλουν: sc. *δάνειον*, in opposition to *εἴκοσι μνᾶς*.

ἐπὶ ἑτέρᾳ ὑποθήκῃ, 'on the security of goods to twice that amount'. Sandys rightly regards this as equivalent to *ἐφ' ἑτέρῳ τοσούτῳ*. No other interpretation will fit the facts in the same way.

συγγραφὴν ἐθέμην κτλ., 'I lodged the agreement with Cittus the banker'. These were an important class in the community, combining the functions of money-changers, money-lenders, and receivers of deposits for safe custody and investment. By means of their agents abroad, they could provide their clients with orders for payment of cash not unlike the modern letter of credit.

ἐπιδανείζεται, 'raised a further loan on the same security', and so wronged Chrysippus, since the property was already mortgaged to its full value.

Θεοδώρου τοῦ Φοίνικος. Athens was full of resident aliens, among whom was a considerable colony of Phoenicians.

§ 7 μνῶν ἑκατὸν δέκα πέντε. This figure is difficult. Reckoning 100 drachmae to 1 mina, and assuming that all the loans were made on the same terms, twice the total sum (7,500 drachmae) is 150 minae. Reiske suggested altering δέκα πέντε to πεντήκοντα, on the ground that the present reading is a substitution on the part of a copyist, who observed that 115 minae is the total of the four amounts mentioned by Chrysippus in § 6. Phormio actually bought goods to the value of the additional loans only, wrongly including in that amount the provisions for the voyage, and leaving Chrysippus unsecured. The only method of accounting for the figure 115 is to suppose that it includes twice the additional loans, plus 5 minae for provisions, leaving out the original loan; but this involves limiting τοῖς δανεισταῖς πᾶσι to Theodorus and Lampis.

οὔτε γὰρ τὴν ὑποθήκην παρέσχεν. For the penalty which might be inflicted for this offence, see § 50.

τῶν πεντηκοστολόγων. The customs officers whose business it was to collect the two per cent. duty on all imports and exports.

§ 8 τῷ παιδὶ τῷ ἐμῷ, 'my servant', not 'my son', as the reference τὸν παιδὰ τὸν ἡμέτερον by the partner in § 28 shows.

τὴν ὑποθήκην, 'the security', viz. the cargo, of which he was instructed to take stock (ἐξετάζειν) and to keep track (παρακολουθεῖν), presumably until a return cargo was shipped.

τῷ Παιρισάδῃ, Paerisades, ruler of the Cimmerian Bosporus from 348 to 310 B. C. His grandfather, Leucon, had been honoured by the Athenians for his services in exempting from duty all corn-ships bound for Athens, and granting them priority of lading (Demosth. *Leptines*, § 31). Paerisades is mentioned in § 36 as granting similar privileges.

εἶχοντο αὐτοῦ, 'were pressing him for payment'.

§ 9 τὰ ἀγοράσματα . . . χρημάτων, 'the goods bought with my money'. Cp. § 7, l. 2 καταγοράσαι.

τὸν ῥῶπον, 'his trash'. The word denotes a miscellany, as well as lack of value. Hesychius identifies it with the materials used by painters, dyers, and perfumers.

καὶ ἐκεῖνον: i. e. Lampis.

§ 10 χιλίας βύρσας. Strabo tells us that hides and slaves were a feature of the Crimean export trade. Lampis, in stowing this heavy load on the top deck, was taking grave risks in the event of heavy weather.

τριάκοντα σώματα. The reading of most MSS. is τριακόσια, a number only accounted for by the supposition that the vessel was a slave ship. But although this would agree with the comment of Strabo quoted above, σώματα is not used of slaves until Hellenistic times, and the loss of a cargo of slaves would hardly cause the 'general mourning' referred to below. τριάκοντα appears in the Paris MS. of 1570, and ἐλεύθερα, present in one MS., is added after σώματα by some editors, including Rennie.

παρὰ τούτου. Phormio himself was heard to concur.

§ 11 ἐκ τῆς ναυαγίας: the preposition contains the sense of 'from' as well as 'after'.

ἔνθοιτο . . . εἰληφὼς εἴη: an excellent example of the true values of aorist and perfect.

τῶν παραγενομένων. Chrysippus would not interview Lampis on such an occasion without witnesses.

§ 12 ἀεί, 'from time to time'.

συνδικοῦσιν, 'his advocates', or perhaps 'his partners in the suit'.

§ 13 διακρουόμενον. A common word in the orators for evasion or subterfuge in legal matters.

προσκαλεσαίμην, 'summons': the technical term for the process.

μυροπωλίοις. If Hesychius defines ῥῶπος correctly, Phormio's business took him to this quarter. Shops and trades of the same kind were often found in groups, and particular streets given over to them and named after them.

§ 14 ὃ εἰκὸς ἦν. The facts of Lampis's behaviour the rhetoricians class as τεκμήρια or evidentiary facts; from these the speaker proceeds to draw an inference based on probability. This is the method of argument ἐκ τῶν εἰκότων.

ἀλλὰ μὴ ὅτι κτλ. 'So far from (my saying that) Lampis opened his mouth, not even the defendant dared to say that he had paid, when Lampis, to whom he now says that he paid the money, was actually present.' οὐχ ὅτι and μὴ ὅτι (οὐχ ὅπως, μὴ ὅπως) are regularly so used, followed by ἀλλά. There is an ellipse of a verb of saying, either in the indicative, or imperative, or subjunctive, according to the form of the negative.

§ 15 παρέχειν τὸν Λάμπιν, 'to bring Lampis forward', i. e. in support of his statement, with a view to causing Chrysippus to withdraw the summons.

ἐν τοιούτῳ καιρῷ, 'at such an opportune moment'.

§ 16 τὸ ἔγκλημα. This is the written complaint laid before the magistrate by the plaintiff as a preliminary to the suit.

ἐντεθεῖσθαι: middle meaning, the passive being supplied in Attic by κεῖμαι. The subject of ἀπειληφέναι is, of course, Lampis.

ἔμελλον ἐξελεγχθήσεσθαι, 'I was bound to be proved in the wrong'.

§ 17 παραγραφὴν διδόντες: an unusual equivalent of παραγραφόμενοι. They did not plead previous payment because they knew that this could only be their defence in a εὐθυδικία.

καὶ ταῦτα κτλ., 'and that too, &c.' This regular use of ταῦτα adds a circumstance which heightens the force of what precedes.

§ 18 ἰσοτελεῖ. As the word shows, Theodotus was one of the class of resident aliens who had the privilege of being taxed on the same scale as Athenian citizens.

κατὰ συνθήκας, 'under articles of agreement'.

ἀσφαλὲς ἤδη εἶναι, i. e. now that he found himself before an arbitrator, instead of being in a court of law. Either perjury before an arbitrator was not a legal offence, or prosecution was so rare that the risk was worth running.

§ 19 παρ' ὑμῖν μὲν γὰρ κτλ. 'Perjury in your presence involves severe displeasure and a heavy penalty.' ὑπόκειται expresses the idea of something held in reserve.

§ 20 τῶν ἐξ ἀρχῆς προσελθόντων, 'those who were present at the original interview' of Chrysippus with Lampis.

πρὸς τοῦτον: probably to be taken with εἰρηκέναι, 'he told my partner here', since Chrysippus is on the point of giving place to him as speaker (§ 21 or 22). It may be taken with ὡμολόγει, meaning 'he confessed to the arbitrator', but it cannot refer to Phormio, who had not yet reached Athens when the interview of § 11 took place.

§ 21 οὐκ ἀπέγνω τῆς δίκης, 'did not dismiss the case', by judging him free from the charge, according to the literal sense of the phrase.

ἐφῆκεν: the legal term for referring a case to a higher court; used absolutely, it means 'to appeal' (*sc.* ἑαυτόν).

§ 22 The partner's speech probably begins here. Chrysippus is referred to in § 23 as οὗτος, and although it has been suggested that it starts at § 21, the short summary contained in this section is just

the kind of opening which would carry the speaker on naturally to the examination of the accounts which follows. The preceding section belongs to the description of the arbitration, and it is very unlikely that Chrysippus would sit down before he had finished dealing with this aspect of the case.

οὐκ ἐνθέμενος κτλ. ; the point made by Chrysippus at the end of § 7.

§ 23 οὗτος μέν, i. e. Chrysippus.

ὥστ' ἀπολαβεῖν, 'on condition that he should receive', a less frequent use of ὥστε. For the high rate of interest, see Introduction, p. 13.

στατῆρας Κυζικηνούς. The value of the ordinary gold stater was about 20 Attic drachmae, that of the Cyzicene stater a little higher.

ἐγγείων τόκων. He borrowed the money at the rate of interest usually charged for loans upon land; tr. 'borrowing at interest upon real security'.

ἕφεκτοι, i. e. the interest was to be one-sixth part of the capital, or just over 16 per cent.

ἐδύνατο ἐκεῖ. These words show that rates of exchange varied in different places, as they do now.

§ 24 τῶν μὲν γὰρ κτλ. 'One hundred and twenty staters equal three thousand three hundred and sixty drachmae, and real security interest at sixteen per cent. on thirty-three minae sixty drachmae is five hundred and sixty drachmae; and the whole amount is the sum of the two.'

§ 25 ἀντὶ . . . δραχμῶν, i. e. instead of the sum for which he was liable by the terms of the contract.

καὶ τόκον . . . δανεισάμενος, 'and interest as well, because it was borrowed'.

τρισὶ καὶ δέκα μναῖς πλέον. These thirteen minae are exactly equivalent to the loan of Lampis plus interest at the same rate of 30 per cent. Phormio's obvious course is to retaliate by saying that the total amount covered repayment both to Chrysippus and to Lampis as well.

§ 26 προσήδρευον, 'were keeping closely in touch with you'.

τὰ ἐπιτίμια. We learn from § 33 that the penalty for non-shipment of the return cargo was 5,000 drachmae, so that we must regard the speaker as only half in earnest here.

§ 27 τὴν πρᾶξιν, 'the right to exact payment'.

καὶ νῦν μὲν κτλ.; the argument *ἐκ τῶν εἰκότων* again. Is it to be supposed that at the Bosporus, when under no fear of penalty, Phormio paid more than he need, while at Athens, where he can be brought to justice, he does not hesitate to practise deliberate fraud? What is the fallacy in the argument?

§ 28 ἐπιμαρτυρόμενοι . . . δανείσαντι, 'calling upon them to bear witness to the risk which the lender is now on the point of incurring'; since the ship is actually about to sail.

τὸν παῖδα τὸν ἡμέτερον: see note on § 8 *τῷ παιδὶ τῷ ἐμῷ*.

§ 29 καίτοι, strongly ironical.

ὅστις . . . μὴ ἀποδέδωκεν; conditional.

περιβόητον ποιεῖν, 'to make it the talk of the exchange', though this is hardly vigorous enough to do justice to the Greek.

§ 30 The sarcastic note continues throughout this and the following section.

τοὺς τόκους ἀμφοτέρους, 'the interest on the double voyage'. Phormio, that is to say, paid interest during the time of the return voyage, though the money was lying idle.

καὶ εἰ τοῦτο ἔπραξας κτλ. 'Had you done so, there is no trader who would have earned greater respect than you.' *οἱ πλέοντες* and *πλεῖν* are regularly used in this sense in everyday language.

§ 31 ὥσπερ ἀδικῶν τι, 'It looks as if you were doing something dishonest'. The position of the words is emphatic and adds to the irony.

ἐμοί, 'to me myself', as distinct from a third party.

τὴν γὰρ συγγραφὴν κτλ. 'For then, by getting the bond cancelled, you would have terminated your obligation.' *ἀναιρεῖσθαι* here means 'to take back to oneself' the bond, which is the visible sign of the debt incurred. Cp. *ἀνῃρηκώς* in § 33, 'rendered null and void'.

νῦν δ' οὐκ ἐμοί κτλ. A good example of the two rhetorical principles of antithesis and suspense.

§ 32 τῷ ναυκλήρῳ. The supposition that Phormio was entitled, if he chose, to pay the debt to Lampis at the Bosporus (Introd., p. 11) rests upon this sentence.

οὐκ ἐκώλυεν. Apparently Phormio was not legally bound to have witnesses present, but obviously no reasonable man would have failed to see to it that the payment did not rest upon his bare statement alone.

οἵδε μὲν κτλ. It is a little difficult to see to whom the speaker refers; it seems necessary to assume that Chrysippus and his partner were not the only persons concerned in the loan. The two *συγγραφαί* may then be two copies of the contract, one being held by each of the partners on behalf of those interested. The sum may seem a small one to be so distributed, but in our own time it is no uncommon thing to see a dozen or more names on an insurance policy at Lloyd's, where the total sum involved is no more than £100. It is quite possible that the Athenian business man also preferred to avoid 'putting all his eggs in one basket'. If this is so, Chrysippus and the speaker are the principals, and action for the recovery of the debt devolves upon them.

ὡς ἂν: *sc. ποιήσαιντο.*

μόνος μόνῳ: a common and idiomatic way of emphasizing such a point.

πρὸς τοῦτον, 'with Chrysippus'. Cp. *πρὸς ἐμέ* (§ 31, end). This seems to point to the correctness of the interpretation of *δύο συγγραφάς* suggested above. It will be noticed that either partner can speak of himself with equal freedom as *ὁ δανείσας* in such a transaction, e.g. *ἐμοὶ τῷ δανείσαντι* (§ 31), and *ἐγὼ γὰρ ἐδάνεισα . . . Φορμίωνι* (§ 6).

§ 33 σωθείσης τῆς νεώς: conditional, 'provided the ship returns safely'.

καὶ γὰρ adds something in confirmation of a proposition already laid down; tr. 'True enough, for it instructs you to put the cargo on board, or else to pay a fine of 5,000 drachmae.' The amount seems very large, nearly double the capital and interest. Kennedy suggests that this is an offset to the rather doubtful character of Lampis, an alien and either a slave or ex-slave; this increased the lenders' risk.

οὐ λαμβάνεις, 'you ignore'.

πρὸς ἓν ῥῆμα, i.e. the clause *σωθείσης τῆς νεώς.* Phormio says that the loss of the ship has freed him from his obligation. But this clause depended in turn on his having embarked the goods prescribed by the agreement. By failing to do so, he has rendered the former clause null and void (*τοῦτ' ἀνῃρηκὼς αὐτός*). If he has shipped nothing, he has risked nothing; therefore it makes no difference whether the ship returns safely or not; nor does it, if he has paid Lampis, but this the partners claim to have disproved.

ὁπότε: Lat. *quandoquidem*. Cp. ὅπου in § 45.

§ 34 ὥρμησεν, 'had recourse to'.

τοῦτο, with ψευδόμενος.

τοῖς ἐλλιμενισταῖς, 'the harbour-masters', who saw that no ship put out until she had paid all her duties.

§ 35 ἐφόδιον μὲν λαβών: a curious use of the word, which means 'travelling-allowances' or 'maintenance'. It is here employed as a synonym of *πρόφασις* or *ἀφορμή*.

πρὸς ἐμέ. The partner of Chrysippus must have been among the witnesses (*τῶν παραγενομένων*) at the interview with Lampis described in § 11. Probably his signature appeared on the *μαρτυρία* put in at that point. This is not only a reasonable inference, but makes it unnecessary to postulate, as some editors have done, yet another change of speaker.

τοὐμόν: see end of note on § 32 *πρὸς τοῦτον*.

§ 36 πέπρακται . . . ὑμᾶς. The aorist and perfect passive of *πράττω* have this construction regularly in Attic; it is frequent in Demosthenes.

κήρυγμα. A similar proclamation, granting to the Athenians the privilege of exporting corn duty-free, had been made in the past by Leucon, the grandfather of Paerisades, who had himself received *ἀτέλεια* (exemption from taxes) and the Athenian citizenship in recognition of his services (Demosth. *Leptines*, § 31). See note on § 8 *τῷ Παιρισάδῃ*.

ἔλαβε . . . ὀνόματι, 'received permission to export corn duty-free in the name of Athens'.

εἰς Ἄκανθον: Acanthus in Chalcidice. Lampis and Phormio add insult to injury by going into partnership in this contraband trade with money borrowed, if not actually stolen, from an Athenian.

37 οἰκῶν μὲν Ἀθήνησιν. The fact that he and his family were actually living in Athens does not imply that he was an Athenian citizen, though this has been suggested. It is only mentioned here as a proof of his entire lack of humane feeling. The law would naturally govern the action of Athenians and resident aliens alike.

οἱ μὲν ἐν τῷ ἄστει κτλ. 'Those of you who live in the city were having your barley-meal measured out to you in the Odeum.' This building, erected by Pericles for musical performances, lay below the Acropolis near the theatre of Dionysus. Aristophanes records

that it was sometimes used as a law court (*Wasps*, 1109), and philosophers used it on occasion for discussions; here it serves yet another purpose.

οἱ δ' ἐν τῷ Πειραιεῖ κτλ. Peiraeus, as distinct from τὸ ἄστυ, was a deme. The people here 'were getting their bread a pennyworth at a time at the arsenal and in the long portico. They got a gallon of barley-meal each, and were nearly trampled to death in the process.' Aristophanes, in a vivid picture of the outbreak of the Peloponnesian War, speaks of στοᾶς στεναχούσης, σιτίων μετρουμένων (*Acharnians*, 548). It seems to have been a permanent warehouse for the storage of corn, and was close to the docks. There are 48 χοίνικες to the μέδιμνος, 8 forming the sixth part, and 4 the ἡμίεκτον, or 'half-sixth'.

§ 38 οἵ γε: the particle is indignant.

ἐξητάζετε, 'proved by experience'.

εἰς Θήβας . . . παρῆει. In 335 B.C. Alexander, who had just succeeded to the throne of Macedon on the murder of Philip, made an expedition against Thebes, which had been actively engaged in opposing his interests. He took the city and destroyed it, being congratulated on his exploit by an Athenian embassy, though only a few days before it had been resolved, on the proposal of Demosthenes himself, to send aid to the Thebans. παρῆει, 'entered'.

ἐπεδώκαμεν. In times of financial stress it was not unusual for rich citizens to make a voluntary donation (ἐπίδοσις) to the public funds. The Boastful Man in Theophrastus tells how 'in the lean years'—no doubt the period referred to here, 330–326 B.C.—'I laid out more than five talents in charity on behalf of distressed citizens.'

§ 39 ἐπετιμήθη, 'rose in price', to the extent of 220 per cent.

διεμετρήσαμεν κτλ., 'we measured it out to you at the average market price of five drachmae the medimnus'.

ἐν τῷ πομπείῳ: the hall in which were kept the dresses and other properties used in the Panathenaic procession.

διαμετρούμενοι, 'that you received the distribution': a good illustration of the difference between active and middle voices.

τὴν σιτωνίαν. In times of famine the State undertook the purchase and distribution of corn, by means of a board of σιτῶναι, 'food-

controllers'. On the occasion here referred to, Demosthenes was a member of the board.

40 συκοφαντεῖν δέ. There was no surer way of forfeiting one's reputation than this at Athens.

ἁπάντων ὧν. The genitive, like *τῶν τ'... πραθέντων*, which follows, expresses equivalent value. Cp. §§ 7, 8 for similar usages and the details of Phormio's dishonesty. 'He could hardly satisfy those who had lent their money for the single voyage with what he realized by the sale of his wares at Bosporus.'

41 διαλύσαντα. A verb with many shades of meaning, which repays careful study. Commonly used in the sense 'to pay', with words like *δαπάνην, χρήματα*, &c., it comes to be used, as here, of satisfying a creditor; cp. Lat. *diluere*.

τριάκοντα μνᾶς καὶ ἐννέα. Reckoning in round figures, he ignores the 20 drachmae included in the total of § 25.

τὸν παῖδα . . . τὸν ἐμόν. In § 28 the partner calls him *τὸν παῖδα τὸν ἡμέτερον*. If this was so, he has as much right as Chrysippus to call him *τὸν παῖδα τὸν ἐμόν*. See § 8, note. Though it has been proposed, there is no need to infer that Chrysippus is now speaking.

42 καίτοι εἰ κτλ. 'Yet if Phormio had made out his case as carefully as I have mine, I cannot see what better defence he could possibly have made'—i. e. in a *εὐθυδικία*. The implication is that his dishonesty is proved by the very fact of his adopting the process of *παραγραφή*. The speaker then proceeds to show first, that the law lays down quite clearly that the case can be maintained, and secondly, that it can be tried nowhere else.

τὰς δίκας εἶναι, *sc. εἰσαγωγίμους*; 'that mercantile actions relating to contracts made at Athens and for the Athenian market, as well as any that may be made for the voyage to Athens, shall be admissible'.

43 παραγράφονται δὲ κτλ. It is possible to take *ὡς οὐκ . . . οὖσαν* as an accusative absolute (Goodwin, *Moods and Tenses*, § 110. 2, Note ii); or *τὴν δίκην* may be cognate accusative of a rather looser kind than the common *παραγραφὴν (παραγράφεσθαι)*.

δεινὸν γὰρ ἂν εἴη κτλ. A simple example of a favourite form of argument. Cp. §§ 48 and 49, and Plato, *Apology* 28 D, E. 'It would be a hard thing if I had been injured in respect of the

voyage to Athens, and could obtain redress from Phormio in your court, but when the contract has actually been made on the Athenian exchange, the defendants should assert that they will not let the case come before you.' The contention is, of course, that the second case falls even more clearly under the jurisdiction of the court than the first, where the contract is made merely for the Athenian market.

§ 44 ὡς δέον κτλ., 'as if it were right that they should stand their trial before a mere privileged alien like Theodotus without putting in a special plea, but when we come before the court of the Athenian people, the action should no longer be maintainable'. The antithesis throughout this passage is sustained and elaborate. The repetition of the article after τῷ Θεοδότῳ is undoubtedly ironical.

§ 45 ἐνθυμοῦμαι κτλ., 'If Theodotus had acquitted him and dismissed the case, I wonder what form his special plea would have taken, when, now that he has sent us deliberately to your court, he says that the case cannot be maintained before you, to whom that worthy sent us.' The jury are meant to conclude that his effrontery would then have known no bounds.

τοὺς θεσμοθέτας. These, the six junior archons, presided mainly over public actions, but certain classes of private action came before them, including *δίκαι ἐμπορικαί*, since aliens were often involved in them.

ἀπογνοίητε τῆς δίκης, 'were to discharge him', and so to admit the lawful character of his *παραγραφή*, which is by law indefensible.

§ 46 εἰς ἐκεῖνον μόνον ἀναφέρει, i. e. Phormio relies upon him alone for proof of his alleged payment.

ἐγὼ δ' εἴς τε τὸν Λάμπιν, *sc.* *ἀναφέρω*, the place of *ἀπόδοσιν* being taken by the clause *ὅτε . . . χρυσίον*. 'I maintain that Lampis denied receiving the money, both on the strength of his own admission and on the evidence of those who heard his words.'

κρίνειν, 'to prosecute them', upon a charge of *ψευδομαρτυρία*. Synon. *ἐπισκήπτεσθαι ταῖς μαρτυρίαις*, 'to denounce the evidence'.

κατεβάλλετο, *sc.* *εἰς τὸν ἐχῖνον*. 'Had been put into court in writing.' At the conclusion of his hearing, the arbitrator placed all the documents relating to the case in two *ἐχῖνοι* (jars or boxes), one being allotted to each party. These were then sealed and sent to the court. At the subsequent trial no appeal was permitted to

any law, deposition, or challenge except those contained in them. Cp. *Conon*, § 27 *ἐπὶ διακρούσει καὶ τῷ μὴ σημανθῆναι τοὺς ἐχίνους.*

νῦν δ' οὔτε κτλ. 'As it is, I have no such deposition available, and Phormio thinks he should escape scot-free, because he has left no adequate security for the verdict he is urging you to return.' If Lampis could have been prosecuted for perjury, Phormio might have been drawn in as accessory ; there is no fear of this, because the essential *μαρτυρία* is lacking. Yet it is on the strength of the evidence of Lampis that he hopes to be acquitted.

§ 47 **πῶς δ' οὐκ ἂν εἴη κτλ.** For the form of the sentence, see note on § 43 *δεινὸν γὰρ ἂν εἴη* κτλ., and also § 49 *οὔκουν ἄτοπον* κτλ. The antithesis is pointed more clearly here by *ἄκυρον . . . κύριον*. 'Would it not be ridiculous if, when Phormio confesses to borrowing and alleges that he has paid, you should make invalid what he admits, and confirm the very point which is disputed?' i.e. the jury's verdict would be as good as a declaration that borrowed money need not be repaid.

καὶ ὁ μὲν Λάμπις κτλ. The reasoning is involved, and the text uncertain. Like the following sentence (*καὶ ὅσα μὲν . . . εἶναι*), this depends on *πῶς δ' οὐκ ἂν εἴη ἄτοπον* above. 'Lampis, on whose evidence Phormio relies, declares that in spite of his original denial, he has received the money. Would it not be absurd if your verdict were to agree with his declaration, when there are no witnesses to the transaction?'

§ 48 **μετὰ τῆς ἀληθείας**, i. e. his original denial that payment had been made.

τεκταινομένοις, cp. the English 'fabricated'.

§ 49 **τὸ μὲν πρὸς τοῦ ἀποστεροῦντος**, 'the part of his testimony which favours the defrauding party', viz. his assertion that the payment was made.

τὸ δ' ὑπὲρ τῶν ἀποστερουμένων, his original account, given before there was any collusion.

§ 50 **μηδαμῶς**, *sc. ταῦτα πιστῶς ἀκούσητε.*

τὸν ἐπιδεδανεισμένον: middle sense, 'the man who obtained additional loans'—on securities already mortgaged. Cp. §§ 6, 7.

εἰσαγγελθέντα. The process of *εἰσαγγελία*, or impeachment before the people, was originally used to punish any person found guilty of defrauding the people by false promises, or committing any

crime against the State, for which the existing laws made no provision. Other forms of *εἰσαγγελία* dealt with offences affecting not the State, but individuals of certain classes. These, however, cannot be described as *ἐν τῷ δήμῳ*, since they came before the jury-courts instead of the *ἐκκλησία*. We may infer that the crime in this case was seriously aggravated by the position of the offender (*πατρὸς ἐστρατηγηκότος*), and there may have been some underlying political motive.

§ 51 **τοὺς ἐντυγχάνοντας**, 'those with whom they do business'.

αἱ γὰρ εὐπορίαι (syn. *αἱ ἀφορμαί*), 'capital', 'ready-money'.

τοῖς ἐργαζομένοις, 'the trading community'.

ἐπιβάτην, 'passenger', whether a merchant travelling with his own wares, or a supercargo, i. e. an agent who goes to protect the merchant's interests.

§ 52 **προϊεμένους**, 'who jeopardize their capital'.

τῶν τοιούτων θηρίων. It may be constantly observed that the usage of the Greek courts allowed far stronger modes of expression than modern practice will admit. The reason is worth considering.

Ἐγὼ μὲν οὖν κτλ. The speech ends, according to custom, on a quiet note.

ἄλλον τινά. If a man felt himself incapable of doing justice to his cause for any reason, he could get a friend to act as *συνήγορος* in his support. Such 'friends', however, never developed into regular professional advocates at Athens, where a man who spoke with assurance or displayed too subtle a knowledge of the law was looked upon with suspicion.

ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ

§ 1 **Οὐδεμιᾷ φιλοπραγμοσύνῃ.** Aristophanes has satirized the Athenian love of litigation in the *Wasps* and elsewhere, e. g. *Clouds*, l. 1220 *ἀτὰρ οὐδέποτέ γε τὴν πατρίδα καταισχυνῶ ζῶν, ἀλλὰ καλοῦμαι Στρεψιάδην.* The present characteristic opening shows how sensitive the Athenians were to the imputation in real life, even if they laughed at the trait when caricatured on the stage. See *Phormio*, § 1, note *ἰδιῶται*, and *Conon*, §§ 5 and 17.

τὴν δίκην . . . ἔλαχον. Cp. *Phormio*, § 2, note.

ἄτοπον. The man in the street might well think it unreasonable to bring a lawsuit over so trivial a matter, and the plaintiff is presently at great pains to show in detail how serious are the issues involved (§§ 7–18).

εἰ μὴ τοῦτο διορθώσομαι; the apodosis is in the participle *συμβησομένων*.

ἐν ὑμῖν κριθῆναι, 'to stand a trial before you'.

§ 2 **φροντίζων:** causal.

ἐργαστήριον συκοφαντῶν, 'a gang of informers'; the phrase, a strong one, occurs elsewhere in Demosthenes.

τὸν τὴν Νῖνον ἑλόντ' ἐκεῖνον, 'the scoundrel who procured the conviction of Ninus'. The affair of Ninus, a priestess, who was charged with concocting love-philtres for young men, and suffered the death penalty, was a *cause célèbre* of the time.

ἐδικάζετο, 'went to court'. Apparently Boeotus was not yet eighteen years old (Introd., p. 35), and Mnesicles and Menecles acted for him. In the speech *περὶ προικός* (§ 32), Menecles is described as *ὁ πάντων τούτων ἀρχιτέκτων*.

§ 3 **φοβούμενος.** Mantias, as inscriptions show, was treasurer of the Athenian dockyards *c.* 360 B. C., and Aristotle records that he was a *ῥήτωρ*, or professional politician. He clearly earned some unpopularity during his period of office, and feared that his political opponents might use such a case as a means of obtaining revenge.

ἐτέρωθί που: contrasted with *ἐνταυθοῖ*.

ὁμοσάσης αὐτῆς κτλ., 'since she had sworn that if he tendered her an oath concerning the matter, she would refuse it, and that after this all connexion between them should be at an end; she had also caused a sum of money to be deposited with a third party on her behalf. These were the conditions upon which he tendered the oath.' The offer of settlement (*πρόκλησις*) entailed the appearance of Mantias before an arbitrator, or perhaps the archon, and a formal denial of parentage, as well as the oath on the part of Plangon. For *ὅρκον διδόναι, δέχεσθαι,* 'to offer', 'receive an object to swear by', cp. Aesch. *Eumenides* 429. By the process *μεσεγγυᾶσθαι*, the third party (*ὁ ἐν μέσῳ*) becomes guarantor (*ἐγγυητής*) for the payment of a sum of money by one party to the other.

μὴ ὀμεῖσθαι, i. e. *τὸν ὅρκον μὴ δέξεσθαι*.

ἐπὶ τοῦτοις, 'upon these conditions'.

§ 4 κατωμόσατο: for the compound, cp. *Conon*, §§ 38 and 40, where the verb *ὀμνύναι* is used in conjunction with *κατὰ παίδων*.

εἰσάγειν εἰς τοὺς φράτερας. Introduction to the clan became necessary as a result of the formal recognition of the two boys by Mantias; the order of the words *εἰσήγαγεν, ἐποιήσατο* is not the order of the events.

τοῖς Ἀπατουρίοις. The enrolment in the *φρατρίαι* always took place during this three-day festival of the clans, which was held in the month Pyanepsion (Oct.–Nov.).

ἐνεγεγράμμην. Note both the tense and order of words. 'I had already been enrolled as Mantitheus', i. e. I had first claim to the name on that ground.

§ 5 τὰς . . . ἐγγραφάς. For this ceremony, see Introd., p. 36.

εἰς τοὺς δημότας: to be taken with *ἐνέγραψεν ἑαυτόν*.

§ 6 ἐμμένειν, 'to abide by' the arrangement made by Mantias.

ὥστε τῶν μὲν . . . ἐπὶ τούτῳ, 'as to agree to accept a third share in my father's estate, the whole of which was to have been mine at the time when my father acknowledged these men, and to be content with this arrangement'. *ἐγίγνετο*, i. e. was in process of becoming mine, until the acknowledgement of Boeotus and Pamphilus altered the situation.

ζυγομαχεῖν, 'wrangle', 'engage in a domestic quarrel'. A late Attic word, the metaphor being drawn from the behaviour of oxen under the yoke of the plough.

τὸ μὲν ἡμᾶς μεταθέσθαι. He means, of course, *his* changing his name.

§ 7 τὰ κοινά, 'public affairs'.

ἐπιτάξει. The State imposes the duty, exercising the same right as the master over his slave. This is the normal meaning of *ἐπιτάσσω*.

οἵσουσι κτλ., 'will nominate us with the formula employed in any other case'. He then proceeds to give the formula. This use of *φέρω*, 'to appoint, nominate' to an office, arises out of the older and fuller *ψῆφον φέρειν περὶ τινός*.

χορηγόν . . . γυμνασίαρχον . . . ἑστιάτορα. Three of the *λειτουργίαι* or public duties imposed on the wealthier members of the ten tribes. In this way the rich Athenian paid his super-tax. The choregus

equipped, maintained, and provided for the instruction of a chorus for one of the dramatic contests at the great festivals. The gymnasiarch undertook the maintenance and training of a team for the λαμπαδηδρομίαι (relay-races), held annually at the Panathenaea, Hephaestiaea, and other celebrations. The third provided a dinner for the members of his tribe at some festival season. See Theophrastus, *Characters* x, for one way of doing this.

All these duties involved considerable expense, and in the case of a tragic chorus the sum might be as much as 30 minae. It is not surprising that Boeotus and Mantitheus should try to shift the burden on to each other's shoulders.

§ 8 **πρὸς ὅντιν' ἂν ᾖ ἡ δίκη.** The indefinite clause shows that refusal to undertake different λειτουργίαι might result in the appearance of the defaulter before different officials. Mantitheus imagines that he and Boeotus have both refused to obey the summons, and asks which of them is to pay the fine incurred for contempt of court.

εἰς συμμορίαν. These are groups of tax-payers, of which there were twenty in all, approximately equal in wealth, and contributing equal amounts to the total sum required. The εἰσφορά or property-tax so raised fell from 1,000 talents in 431 B. C. to 400 talents in 346 B. C., four years after the date of this speech. The distribution of the burden within the group was settled by the group itself. The grouping and publication of the list of names comprising each συμμορία was part of the duties of the στρατηγοί or War Council.

τριήραρχον. The man appointed to a τριηραρχία was required to fit out a trireme in the service of the State, and maintain it at sea for a year. From 357 B. C. onwards a system of contributory groups (συντέλειαι) prevailed, which led to much friction (*De Corona*, §§ 102–4). In 340 B. C. Demosthenes carried a law to prevent the rich from escaping their full share of the burden, and the poor from being unjustly burdened, by having all contributors assessed in proportion to their property.

§ 9 **ἄλλη τις ἀρχή**, 'some other magistrate'. So *magistratus* is used in Latin both of the office and its holder.

ἀθλοθέται, 'stewards of the games'. Similar boards of magistrates with religious duties are the ἱεροποιοί and the ἐξηγηταί.

νὴ Δία. The usual formula by which an imaginary reply or objection is put into the mouth of one's opponent. Mantitheus

points out that what Boeotus is here supposed to urge has no foundation either in law or precedent.

προσπαραγράφοιτ' ἂν τοῦτο, 'could this additional description be specially added'.

§ 10 κριτής. It is not clear whether this is used loosely in the sense of *δικαστής* or *διαιτητής*, or whether it means a judge in any contest, theatrical or athletic, but not legal.

κέκληκεν, *sc.* *ὁ ἄρχων*.

κληροῖ; subjunctive.

θεσμοθέτου. These were the six junior archons. See note on *Phormio*, § 45.

πλὴν εἰ σημεῖον . . . προσέσται. The *χαλκίον* is a bronze or copper slip. Each person eligible for the office has one, upon which his full name is inscribed. When all the slips have been thrown into the urn, the presiding magistrate draws. Mantitheus suggests that some additional mark might be inscribed to distinguish his slip from that of Boeotus, a kind of private mark of ownership, such as might be employed on any other piece of property (*ὥσπερ ἄλλῳ τινί*), but points out that nobody but he himself and Boeotus would know, even so. The question would then have to be settled in court.

§ 11 ἐφ' ἑκάστῳ . . . καθιεῖ, 'in each of these cases the State will cause a special court to sit'.

τοῦ μὲν κοινοῦ καὶ ἴσου, 'the common right of every citizen'.

πλυνοῦμεν. A colloquial word for torrential abuse. Cp. Arist. *Acharnians* 381, where it is associated with *κυκλοβορεῖν*, 'to brawl like the torrent Cycloborus'.

§ 12 τὸ δυοῖν πινακίοιν κτλ. The *πινάκιον* is a wooden slip used, like the *χαλκίον* of § 10, for casting lots. The man who stands to benefit by such an agreement as that described is doubling his chances of election.

ἐξὸν μή, 'when it can be avoided'.

§ 13 ἀλλά, 'but it will be said'; for more usual *ἀλλὰ νὴ Δία*.

χρώμενον, 'was intimate with'; cp. Lat. *utor*.

τὰ τοιαῦτα ἐζηλωκότα, i. e. his ambitions are those of an unscrupulous orator who undertakes unjust law-suits for what he can get out of them. *δεινόν* is ironical, often used both of this class of men, and of the sophists.

§ 14 γραφαί, . . . ἀπαγωγαί. Of the four processes mentioned, *γραφαί*

are public indictments of any kind; *φάσεις* are prosecutions for importing, exporting, or possessing contraband goods. *ἔνδειξις* is the process whereby a man, who is legally disqualified by *ἀτιμία* or any other cause, is prosecuted for holding any public office; *ἀπαγωγή* is the process of summary arrest in the case of certain flagrant offences such as house-breaking, highway robbery, and so on, where the offender was liable to be caught red-handed.

ὅταν πλεονάζωσιν, 'when they overreach themselves', i. e. juries were always ready to show by practical means their disapproval of the true *συκοφάντης*.

ὄφλῃ τῷ δημοσίῳ. The penalty for failing to obtain a fifth part of the votes in a public action was 1,000 drachmae, a sum sufficient to discourage frivolous or malicious litigation. Mantitheus, supposing Boeotus to have incurred such a fine, asks why the entry in the register of public debtors should not be regarded as applicable just as much to himself.

§ 15 **ἂν δὲ κτλ.** The custom was that the debt, in the event of his death, fell on the debtor's estate; his children, therefore, were liable to the *ἀτιμία* which he had incurred, until the debt was paid.

δίκην ἐξούλης. This was an action for ejectment which might be brought against a defaulting debtor (*ὑπερήμερος*), if he resisted his adversary in attempting either to take possession of forfeited estates, or to seize and sell movables in discharge of the debt. This was the only means by which Athenian law insured the execution of the court's judgement, a duty devolving in this country upon the sheriff and his officers.

μηδὲν ἐμοὶ φαίη κτλ. 'If he should acknowledge that he has no claim against me, but, after he has established his case, should enter the name (Mantitheus), why should the name which he has entered be that of the defendant rather than mine?' The process referred to by *ἐγγράψαι* is not certain, since our information on the subject of the *δίκη ἐξούλης* is insufficient for the reconstruction of all the details.

εἰσφορᾶς: the general property-tax, on land, houses, and other property in Attica, first levied in 428 B. C. (*Thuc.* iii. 19).

§ 16 **δίκην ἀστρατείας:** the action against a man who refused to undertake military service, when enrolled on the *κατάλογος*. This must not be confused with the *δίκη λιποταξίου* or *λιποστρατίου*, which involved actual desertion or running away in battle.

εἰς Ταμύνας παρῆλθον. At this town in Euboea, the Athenians under Phocion defeated Callias, tyrant of Chalcis, in 350 B. C. For *παρῆλθον*, 'entered', cp. *παρῇει*, *Phormio*, § 38.

τοὺς Χοᾶς ἄγων. The 'feast of Pitchers' is the second day of the Anthesteria, the feast of Dionysus which took place in the early spring (February–March).

ἐχόρευεν, 'was serving in the chorus'. This duty exempted a man from military service, but the shirker might take advantage of it to excuse his cowardice.

§ 17 **ταξιαρχῶν.** The disgrace involved can readily be understood, since Mantitheus as taxiarch was responsible for drawing up the list of those liable to military service. Aristophanes, however, in the *Peace*, l. 1177, accuses these officials as being the first to run away in battle.

καὶ εἰ μισθός κτλ. It is clear from this sentence that at about this time the business of the jury-courts came to a standstill owing to lack of funds, since the treasury had been drained by the attempt made to recover Euboea.

σεσημασμένων. See note on *Phormio*, § 46 *κατεβάλλετο*.

§ 18 **ξενίας προσκληθείη,** 'if he were called upon to prove his right to the citizenship'. The next sentence explains why such a situation might arise.

οὕτως γεγονώς, *sc.* *ἀστός*. The jury may conclude that Boeotus, by his conduct, has now given proof that Mantias had every reason for refusing to recognize him as his son.

τί δ', εἰ ψευδομαρτυρίων κτλ. 'What if he were to allow judgement to be given against him by default, in a case where he anticipated being convicted for perjury on the strength of the assistance he gives to his friends?' The mutual aid (*ἔρανος*) consists largely in giving false evidence in support of one another. Compare Dem. *in Meidiam*, § 184, and *Conon*, § 37.

ἐρήμην. An adjective of two terminations only in Attic usage except in legal phrases such as this.

§ 19 **τῆς ἀρχῆς.** The usual genitive after a verb containing the idea of laying claim to something. The office may have been that of *ταξίαρχος*, referred to above.

§ 20 **εἰ τοίνυν κτλ.** The key to this otherwise simple sentence lies in the rather artificial antithesis between *ἀναγκασθείς* and *βουλόμενος*.

τὴν δεκάτην ἐμοὶ ποιῶν. A new-born child was formally named on the tenth day after its birth in the presence of the family and its friends, the ceremony being marked by a sacrifice and its attendant feast.

§ 21 ἐπὶ τοὐνόματος, 'in possession of this name'.

πρὸς τοῖς δημόταις, 'in the presence of the members of your parish'.

οὐκ ἂν εἴας κτλ. 'Would you have opposed his entering you as Boeotus?'

δίκην μὲν λαγχάνειν. See note on *Phormio*, § 2. Boeotus obtained his name by threatening to bring an action against Mantias: would he afterwards have tried to get rid of what he had thus obtained?

ἄκυρα ποιεῖν, 'to render null and void'. ἐκεῖνον and ἐκεῖνος both refer, of course, to Mantias.

§ 22 αὐτοῦ, 'in his honour', a common use of the genitive in Greek. Cp. Horace's imitation, *Sume, Maecenas, cyathos amici sospitis centum*, and παιδίου, a few lines lower.

μάρτυράς τινας. In the speech περὶ προικός, he says that they were neither relatives nor friends of his father's.

μὴ νομίζων: the force of the participle is conditional.

§ 23 ὧν ἂν, for ἐκείνων ἄν, the genitive being taken after καταλλάττεσθαι.

διὰ τοὺς παῖδας, 'for their children's sake'. Distinguish from διὰ τῶν παίδων.

πρὸς μισεῖν, 'to hate them besides'.

εἰς Ἱπποθωντίδα κτλ. The suggestion is that, by sending Boeotus to learn dancing in a school outside the Acamantian tribe, his mother showed that she herself did not believe him to be the son of Mantias; the inference is not unnatural, though the line of argument is, to our legal sense, undoubtedly weak. ἐφοίτα: the regular word for going to school, cp. συμφοιτῶντας below.

§ 24 καίτοι τίς ἂν: as usual, ἂν has gravitated towards the beginning of the sentence, though it belongs in sense to πέμψαι.

οὖσ' ἀκόλουθος, 'consistent with'.

§ 25 Οὕτω τοίνυν . . . τετυχηκώς. 'Although by the oath of his mother, and the simplicity of the man who tendered it, he had thus clearly obtained a father and established his birth in the tribe Acamantis instead of that of Hippothontis.'

οὐκ ἀγαπᾷ, 'is not content'. Cp. *στέργειν* in § 6.

πρὸς αἷς . . . ἐσυκοφάντει. The reference is to the actions brought by Boeotus with regard to the mother's dowry, and to other demands for money, alluded to in the speech *περὶ προικός*, §§ 16–17.

τίς ἦν χρηματιστής, 'what sort of business man my father was'. Eight years after the present trial, as we know from a fragmentary inscription, Mantitheus and his two half-brothers were compelled to discharge a debt incurred by Mantias during his term of office as treasurer of the dockyards in 360 B. C. If the suggested restoration is correct, plaintiff and defendant are both described in it as *Μαντίθεος Θορίκιος*.

§ 26 ἐπ' αὐτοφώρῳ κτλ., 'it proves out and out that he is prompted by malicious motives in bringing these actions'.

ἧς ὑμεῖς ἐστέ: addressed to Boeotus and Pamphilus.

§ 27 ἐπηρίαζεν. The Boeotians were proverbial for dullness; perhaps the phrase *ὗς Βοιωτία* may be compared with our own 'Hampshire hog'.

τὸ τοῦ πρὸς πατρὸς πάππου. The prevalent custom was to name the son after his paternal grandfather.

τοῦτον, object of *ὁρῶν*.

καὶ συχνῷ κτλ., 'as far as the argument from appearance goes, I lay no great stress on it'.

§ 28 εἰ γὰρ Μαντίθεον κτλ., 'if you replied "Mantitheus", then you could not claim to be entitled to it on the ground that you were older than I'. The change from *Βοιωτὸν τουτονί* to the second person is a little confusing, though quite natural to the speaker in court, facing his opponent.

ὃς γὰρ κτλ. 'For at that time you did not even think that you had anything to do with my tribe. How then could you lay claim to my grandfather's name?' The two claims, he maintains, could not possibly be separated in the mind of an ordinary Athenian: the claim to the name could not exist without the claim to the tribe.

§ 29 νομίζεσθαι, *sc.* *παῖδας αὐτοῦ*.

πρεσβεῖον, 'as the right of the elder'.

§ 30 τῶν δήμων Θορίκιος, 'of its parishes, a member of that of Thoricus'.

τοῦτο γὰρ εἰσήχθης, 'for it was in that name that you were introduced'. *τοῦτο* stands colloquially in apposition to the subject.

§ 31 τῆς μὲν πόλεως, 'the privileges of a citizen'.

ἀναστάς, the usual word for a return from the dead, cp. *ἀνάστασις* in N.T. Greek.

ἐφ' οὗ . . . ὀνόματος, i. e. *ἐπὶ τοῦ ὀνόματος ὃ* κτλ., the relative being cognate accusative after *ἐποιήσατο*.

παραγράφειν, 'to sign your name'. Cp. *προσπαραγράφοιτ' ἂν* and *παράγραμμα* in § 9.

§ 32 ὅτ' οὐκ ἐποιεῖτο, 'when he was still refusing to adopt them'.

οὕτω: emphasizes the causal significance of the preceding genitive absolute.

ἐπεὶ σὺ δεῖξον. This idiomatic use of the conjunction is not uncommon, cp. Soph. *Oed. Col.*, l. 969 *ἐπεὶ δίδαξον*. It implies the suppression of a stage in the argument, i. e. 'if this is not true, it is for you to point to any Athenian who has given the same name to his two sons'.

§ 33 ποιήσασθαι: subject *τὸν πατέρα*.

τὸν προσήκοντα, 'so near a relation'.

οὐκ ὢν δὲ κτλ., 'but since that was not so, not only contempt, but even death would have been your just fate'.

ἢ δεινόν γ' ἂν εἴη κτλ. The familiar form of antithesis again. 'For it would be very hard if the laws relating to parents are to be enforced against those whom the father himself acknowledges as his sons, while they are to be of no effect against those who compel their fathers to adopt them against their will.' The conjunction of optative and future indicative is striking, but not unusual in a sentence of this sort; the speaker's indignation increases as he develops his point.

εἰσβιαζομένων. The word implies unwelcome intrusion, and is used by Aristophanes (*Birds*, 32) of an undesirable alien insinuating himself into the State.

§ 34 οὔκουν ἔγωγε, 'not I, at any rate',—as if it were *οὐκ ἐγὼ γοῦν*.

δόξεις εἰς ἀλλότρια κτλ., 'the world will think that, having come into possession of property which is not yours, you are making an unworthy use of it'. He argues that such abuse of property is so unnatural that it is a proof of acquisition by unlawful means. Cp. *Meidias*, § 151. The meaning of *οὐ προσήκουσιν* may be even more exact, since we find in Thuc. iv. 92 *τὰς προσηκούσας ἀρετάς*, 'their inherited glory'.

§ 35 **οὐδ' εἰ τὰ μάλιστα . . . ἐποιεῖτο,** 'even if it is perfectly true that my father refused to adopt you, although you were his son'.

οὐ γὰρ ἔμοι κτλ., i.e. the responsibility for the way in which I behaved towards you rested at that time entirely with him.

ἱερῶν, ὁσίων; privileges both religious and political, of which the former were conferred by admission to the *φρατρία*, and the latter by enrolment in the *δῆμος*. The *φρατρία*, having its origin in ties of kinship, was naturally bound together by religious rites.

ἃ μὲν ἂν λέγῃ: explained by the clause *σὺ γὰρ δίκαιον . . . νυνί*, and then balanced by *ἐκεῖνο δέ*. 'This must be your retort, bear in mind that he can obtain redress quite as easily under the name of Boeotus.'

§ 36 **ἐθελέχθρως,** 'disposed to enmity', a very unusual form of compound, found in Cratinus. Compare *φιλαπεχθημοσύνη* (*Conon*, § 37) and the corresponding adjective *φιλαπεχθήμων*.

οὐδε γὰρ ἐγώ *sc.* *οὕτως ἔχω.*

πότερος, 'which of us is referred to'.

§ 37 **ἀγὼ λέγω:** the pronoun is emphatic.

οὗτος ἀυτὸς αὑτοῦ κατέγνω, 'the defendant himself gave judgement against himself'. The judgement is contained in the acc. and inf., *Βοιωτὸν . . . ἂν ἔχειν*, and Mantitheus goes on to explain the grounds on which he bases this claim.

ἠντεδίκει, 'he took up my challenge'.

ὑπώμνυτο. Either party would lose the case by default, if he failed to answer the summons; if there were good grounds for absenting himself, such as public duty or illness, he was allowed to put in a statement of his reasons for absence, to the truth of which a friend would swear in court on his behalf (*ὑπωμοσία*), and to ask for an adjournment. If the other side believed that he was only employing the process as a means of evading justice, as might happen sometimes, they could oppose the application by a counter-oath. In that case the jury would hear the evidence for and against the application, and vote then and there whether an adjournment should be allowed or not.

διακρούσασθαι: a common word for evasion or delay, especially in legal matters. Cp. *Phormio*, § 13.

ἐρήμην ἐάσας καταδιαιτῆσαι, 'after allowing the arbitrator to give judgement against him by default'.

§ 38 **ἀντιλαγχάνει . . . τὴν μὴ οὖσαν.** After such a judgement on the

part of an arbitrator as that just mentioned, it was open to the loser to apply within ten days for the setting aside of the award and for a new trial. This was the course adopted by Boeotus. It is worth noting that if the award was made in court, and not before an arbitrator, the period was extended to two months, and the applicant for the new trial was then said *τὴν ἔρημον ἀντιλαγχάνειν*.

καίτοι ἐξ ἀρχῆς κτλ. 'And yet, if he had no connexion with the name, he ought from the beginning to have allowed me to carry through the action against Boeotus, instead of coming forward himself afterwards, with a claim that the award should be set aside.' This involves supplying *ἐμέ* as subject of *τελέσασθαι*, but seems to give the most satisfactory interpretation.

§ 39 ὀρθῶς ἂν ψηφίζοισθε: i. e. if you gave a verdict in his favour.

ἐξαλεῖψαι . . . ἀποκηρῦξαι. The power of a father over his son was absolute, as at Rome. He could cause his name to be removed from the roll of citizens, and could disown and disinherit him publicly.

§ 40 ὧν γ' ἂν μὴ ὦσι νόμοι, 'in cases not covered by the laws'. Mantitheus is here quoting the oath taken by the jurors. The unprecedented nature of the case no doubt accounts for the employment by the speaker of a number of arguments, which appear to us to be little more than mere quibbles and are far from being what we should admit as evidence.

τέθειται: middle sense, as elsewhere in Demosthenes.

ᾧ μήπω παῖδες εἰσί. Why this negative?

§ 41 εὐσεβές. Such a decision is a sacred duty, because they are bound by their oath: the word is frequent in this sense.

προσομολογίαν. The point is elaborated in § 37 above. The fact that Boeotus defended the action is tantamount to a 'confession'.

ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ

§ 1 Ὑβρισθεὶς κτλ. The opening sentence puts the whole case in a nutshell, and is a model of directness and simplicity. The same effect can only be secured in translation by breaking it up and treating the participles as main verbs.

πάνυ: with *πολὺν χρόνον*, though it stands in an unusual position.

τῆς αἰκίας. This is a private suit for common assault, in which the defendant, if unsuccessful, paid a fine to the plaintiff. The *ὕβρεως γραφή*, which, as he says a little later, he might very well have brought in view of the facts of the case, was a public indictment for deliberate outrage, and the sentence might range from a fine, payable to the state, to that of death.

συνεβουλευόμην: cp. *συμβουλευόντων* below for an instructive example of the difference between active and middle voices.

τῇ τῶν λωποδυτῶν ἀπαγωγῇ, 'summary arrest for highway robbery'. See *Boeotus*, § 14, note. The class of λωποδυταί would ply their trade at the baths or in the gymnasia. We learn from § 10 that Conon and his party actually went off with Ariston's cloak. No doubt such summary arrest depended upon the offender being caught *ἐπ' αὐτοφώρῳ*.

ταῖς τῆς ὕβρεως γραφαῖς. See note on *τῆς αἰκίας* above.

ὑπὲρ τὴν ἡλικίαν, 'in a manner too ambitious for my years'. The *ὕβρεως γραφή* would be a very serious undertaking for a man as young as Ariston. Apart from the fact that his opponent was far older and more experienced, as well as quite unscrupulous, the prosecutor in a public suit was compelled to pay a statutory fine of 1,000 drachmae, if he failed to obtain a fifth part of the votes, a sum quite large enough to serve as a deterrent.

ὧν ἐπεπόνθειν: for *ἐκείνων ἃ*, the genitive being taken with *ἐγκαλοῦντα*.

ἥδιστ' ἂν κτλ., 'though I should have been glad to prosecute the defendant on the capital charge', i. e. by making the charge one of *ὕβρις*, or by employing the process of *ἀπαγωγή*.

§ 2 παρανενομῆσθαι: passive, although the verb is not intransitive in the active voice, but is used in conjunction with *εἰς*. For a similar usage, compare *παροινουμένους*, § 5 end.

βοηθῆσαί μοι τὰ δίκαια. The accusative defines the significance of the infinitive more exactly. In § 42 the same idea is expressed by the fuller expression *βοηθεῖν καὶ τὰ δίκαια ἀποδιδόναι*.

§ 3 ἔτος τουτὶ τρίτον (*sc.* *ἐστί*), 'two years ago', i. e. in 343 B. C. See Introd., p. 53.

προγραφείσης: the usual word for the posting of public notices: cp. Arist. *Birds*, 450.

ἀριστήσειαν: note the force of the mood.

§ 4 **ταύτην ἂν ἥδη κτλ.** The demonstrative pronoun picks up the preceding *ἦν . . . ὥραν*, a favourite device in Demosthenes. Iterative *ἄν*. The verb *παροινεῖν*, like *παρανομεῖν*, is intransitive and requires *εἰς* to express an object. For the passive use of both, see § 2, note *παρανενομῆσθαι*.

ὅ τι τύχοιεν; i. e. any excuse was good enough. The phrase is parenthetical, and depends loosely on *φήσαντες*.

ἀπεπεμψάμεθα, *sc. ταῦτα*, 'we ignored their behaviour'—dismissed it from our minds. Paley points to a similar use in Eur. *Hec.* 72 *ἀποπέμπομαι ἔννυχον ὄψιν*. This rendering is probably correct, but 'we drove them away' can be defended.

§ 5 **λοιδορηθέντος**: middle sense. Cp. *διαλεχθείς* in § 7.

ἐπειδὴ θᾶττον: less common than the usual *ἐπειδὴ τάχιστα* of § 3.

μηδ' αὐτοὺς ποιῆσαι, *sc. μηδὲν ἀνήκεστον*. It is open to the reader to take *αὐτοὺς* as either subject or object of *ποιῆσαι*. In any case, Ariston admits that he was only just prevented from violent retaliation.

παροινουμένους. See § 2, note *παρανενομῆσθαι*.

§ 6 **ἀλλ' ἐκεῖνο**: in strong contrast with what he did *not* do, expanded by *μὴ πλησιάζειν* in apposition. The two occupy the emphatic positions at the beginning and end of the sentence, the fuller explanation coming last; this is a favourite turn of speech with Demosthenes.

ᾧ προσῆκε κτλ., 'the man who ought to have criticized the original offence, has himself acted as ringleader in committing acts far more abominable'. *ᾧ* is to be taken with *προσῆκεν*, and in the second clause *πρότερος* is emphatic.

§ 7 **τοῦ Κηφισιέως**. The deme or parish of *Κηφισία* (tribe, Erectheis) was situated on the north-east side of the city below Mt. Pentelicus.

κατὰ τὸ Λεωκόριον. The three daughters of Leos, who had offered themselves as a sacrifice on behalf of their country at the bidding of an oracle, were commemorated by this monument, which stood near the spot where Hipparchus was stabbed by Harmodius and Aristogeiton in 514 B. C.

ἐγγὺς τῶν Πυθοδώρου, *sc. δωμάτων*.

διαλεχθείς. Cp. § 5, note *λοιδορηθέντος*.

ὡς ἂν μεθύων, *sc. διαλεχθείη*.

μαθεῖν: subject, *ἡμᾶς*.

πρὸς Μελίτην ἄνω, 'up the hill towards Melite', the high part of the city lying towards the west, which bore the name of the wife of Heracles.

παρὰ Παμφίλῳ τῷ κναφεῖ. Pamphilus may have been entertaining the party, though it is equally probable that his shop was their rendezvous for such carouses. The fuller at Athens was a busy man, for apart from the treatment of newly woven cloth, there was a good trade to be done in dry-cleaning.

Εὐβούλου. Probably the well-known orator and opponent of Demosthenes, since the name of his father was Spintheus. See *Boeotus*, § 27, note *τὸ τοῦ πρὸς πατρὸς πάππου*.

ἐξαναστήσας. Sandys has pointed out that, in his character as a soldier, the speaker describes the incident in professional language, this word being sometimes used of starting troops from ambush; he compares *ἀνεμείχθημεν*, 'when we closed', in § 8 below.

§ 8 ἀπὸ τοῦ Φερρεφαττίου, 'the temple of Persephone', to the situation of which we have no clue except this passage.

ἐξέδυσαν, 'stripped me of my cloak'—and thereby made themselves liable to *ἀπαγωγή*: cp. §§ 1 and 10. Observe the rapidity given to the narrative by the free use of participles.

οὕτω διέθηκαν, 'reduced me to such a condition'.

§ 9 ὀκνήσαιμ' ἄν. A 'pathetic' device, as Aristotle calls it in his treatise on Rhetoric. The jury are intended to suppose themselves too honourable to hear such words, and the plaintiff too modest and decent a man to repeat them, while the actual language used remains in obscurity, and cannot therefore be judged.

τοὺς ἀλεκτρυόνας μιμούμενος. Aelian says that cock-fighting was a regular institution at Athens, and that annual contests were held in the theatre. Though there is no confirmation of this, there is no doubt that the sport was familiar enough to the Greeks as it was to the Romans. Compare Plato, *Theaetetus*, 164, and Arist. *Wasps*, 705.

γυμνός, i. e. without his cloak.

ἦλθον: either 3rd pers. plur. (*sc.* *οἱ παρατύχοντες*), or 1st pers. sing., since he uses the word *ἦλθον* in § 20, where he says that he came home *φοράδην*, 'on a litter'. It is possible for him to say *ἦλθον*, even though he did not walk.

εἰς βαλανεῖον, 'to one of the public baths', as the sequel proves (§ 10).

§ 10 Εὐξίθεον τουτονί. The form of demonstrative shows that Euxitheus was present in court.

τῆς οἰκίας, 'my home'.

ἰατρὸν ἄγουσι παραγενέσθαι, *sc.* αὐτοῖς.

§ 11 τῶν σιτίων ἀπεκεκλείμην. According to the oldest explanation, this means that he lost all inclination for food, and not that he was forbidden to eat by the doctor.

§ 12 ὡς μὲν ὁ ἰατρὸς ἔφη. This seems to refer to the *μαρτυρία* mentioned at the end of this section, read with the evidence of those who came to visit him (*τῶν ἐπισκοπούντων*): no doubt it was the deposition of his own doctor, who attended him during the illness following the assault. That read at the end of § 10 was the statement of the doctor who was hurriedly called in to see him at the baths.

εἰ μὴ κτλ. 'If an abundant discharge of blood had not taken place spontaneously, when I was in great agony, and my life was despaired of, I should have died from internal suppuration.' *ἀπορουμένῳ* may, however, be middle, 'when I had given up hope'. The worst injuries he had received were internal, and resulted in hemorrhage, which was relieved by this discharge.

§ 13 εἰς πᾶν ἐλθών, 'was reduced to desperate straits'; cp. *εἰς τοὔσχατον ἦλθον* in § 12.

τῆς προσηκούσης ἐλάττω. Ariston's repeated references to *ὕβρις* in his account of the assault leave no doubt as to what he thought to be the proper process. In § 1 he implies that he took some persuading before he agreed to the *δίκη αἰκίας*.

εἰς γέλωτα καὶ σκώμματ' ἐμβαλεῖν: must be taken together after *πειράσεσθαι*, which like *ἐρεῖν* depends very loosely on *πέπυσμαι*, and is in apposition to *λέγειν παρεσκευάσθαι*.

§ 14 ἰθυφάλλους . . . αὐτοληκύθους . . ., 'bacchanals . . . amateur tramps . . .'. The significance of the second word, 'one who carries his own oil-flask', has been much debated. The view in favour of which Sandys definitely declares is that these young men, instead of following the usual custom of going to the baths in the company of slaves who carried their oil-flasks, dispensed with their services and carried them themselves, in order that there might be no one to witness their disreputable escapades.

ἐρῶσι . . . τινές. *ἐκ τούτων* must be taken with *τινές*, and *ἑταιρῶν* after *ἐρῶσι*.

καὶ δὴ καί, 'and in particular'.

εἰληφέναι καὶ δεδωκέναι πληγάς: passive and active perfect infinitives of *τύπτω* in Attic usage, in spite of grammars and grammarians. For the parallel aorist active *πατάξαι*, see § 31, and for aorist passive, *ἐπλήγην*, § 33. The verbal *τυπτητέος* occurs in § 44.

κατασκευάσει, 'will falsely represent us as . . .'. The four epithets, in two pairs correlated by *μέν* and *δέ*, are carefully opposed, the first two being consistent with such youthful pranks, the last two in no way consistent with the forgiving nature and good temper, which Conon would naturally associate with those who are *παροίνους καὶ ὑβριστάς*. All of them, from Ariston's standpoint, are of course unmerited.

§ 15 χαλεπῶς . . . ἐνηνοχώς, 'though full of indignation at'.

τοῦτ' ἀγανακτήσαιμ' ἄν. The demonstrative, as so commonly, forecasts—in this case the clauses *εἰ ταῦτα . . . περὶ ἡμῶν* and *τοσαύτη τις ἄγνοια . . . ὄφελος*.

εἰ οἷόν τ' εἰπεῖν: parenthetical, 'if I may be allowed to say so'.

ὁποῖος ἄν τις κτλ. 'Whatever character a man claims, or his neighbour accuses him of possessing, such he shall be judged to possess, and respectable persons shall not be allowed any benefit from their daily life and mode of conduct.'

§ 16 ἐωράμεθα: a late Attic variant for the more common *ὤμμαι*, also found in Demosthenes.

συγχωροῦμεν εἶναι, 'We gladly grant them the title of . . .'

τρέπεσθαι; passive.

§ 17 οἱ τελοῦντες ἀλλήλους, 'who initiate one another', i.e. in their obscene rites.

ἃ πολλὴν αἰσχύνην κτλ., 'which it is the deepest disgrace for decent men to speak of, setting aside all question of doing them'.

παρ' ὑμῖν: emphatic, 'in your presence'.

οἱ μὲν γὰρ νόμοι κτλ. 'On the contrary, the laws themselves have provided, even in the case of pleas of necessity, means whereby such pleas should not be magnified.' He then proceeds to explain how the *κακηγορίας δίκη* is designed to prevent words from leading to blows, the *αἰκίας δίκη* to prevent a common assault from leading to serious injury, and the *τραύματος γραφή* to prevent wounding from leading to manslaughter. At every stage there is a legal remedy.

ἀνάγκη γάρ μοι . . . γέγονεν. An apology for appearing to display so much legal knowledge. The introduction of *φασὶ τοίνυν* and of *ἀκούω* in § 18 serve the same purpose, that of clearing him of the charge of litigiousness. See, for a similar case, the opening to the speech against Boeotus.

§ 18 λοιδορούμενοι, 'reviling one another'.

πάλιν αἰκίας εἰσίν, *sc.* *δίκαι*.

τραύματος. It seems that in this process it was incumbent upon the prosecutor to prove that the wounding was *ἐκ προνοίας*. We have a speech for the defence in such a case in the fourth oration of Lysias, where the defendant is at great pains to disprove *πρόνοια*.

§ 19 τοῦ μὴ φόνον γίγνεσθαι: a not uncommon genitive to express purpose or motive; cp. Thuc. i. 4 *τὸ λῃστικὸν καθῄρει τοῦ τὰς προσόδους μᾶλλον ἰέναι αὐτῷ*.

μὴ . . . ταῦτα κρίνεσθαι. The force of *τοῦ* above still continues.

§ 20 εἶτα; indignant. 'Is that any reason why . . .'

φοράδην, 'on a litter'.

§ 21 ἄδειαν ὑπάρχειν, 'should receive indulgence'.

τούτοις: picks up the preceding dative *τοῖς . . . πράττουσιν*. 'For these, I say, such excuses should be reserved, and not for them to the extent of escaping the penalty, but only of its mitigation.'

§ 22 πλειόνων ἢ πεντήκοντα. See Introd., p. 55 for the agreement between this statement and Conon's youthful escapades as a member of the 'Triballi'.

οὐδ' ἀποθανόντα οἶομαι, *sc.* *ὑποσχεῖν ἂν ἀξίαν δίκην*.

τοῦτον ἐμισεῖτ' ἂν δικαίως, 'even so you would have been right in being shocked at the defendant's conduct'.

§ 23 προῆκται: middle sense.

ἐφ' ὧν ἐνίοις . . . κεῖται: see § 24.

κἂν τούτους αὐτον ἠξίου, *sc.* *τιμᾶν καὶ δεδιέναι*. The conduct of his sons in his presence shows that they have no respect for him: therefore Conon probably treated his father in the same way. For Athenian views on undutiful sons, compare Arist. *Clouds*, 1321 *et segq.* Ariston's argument may well have been effective in discrediting Conon in the eyes of the jury.

§ 24 τόν περὶ τῶν λωποδυτῶν. There is no name for the offence itself in Attic Greek; hence the periphrasis.

§ 25 παθεῖν τί: a euphemism for *ἀποθανεῖν*.

γοῦν, 'at any rate', or 'for example'.

τῆς Βραυρωνόθεν ἱερείας. Brauron was an Attic deme, the home of the tyrant Peisistratus, whither Orestes and Iphigeneia were said to have come on their return from the Tauric Chersonese with the statue of the goddess Artemis (Eur. *Iph. in Taur.* 1462–3). There was also a temple of Artemis Brauronia, adorned with a statue of the goddess by Praxiteles, at Athens, but the quinquennial festival at Brauron itself was held in such honour that the Athenians always sent representatives to it. The chief rite consisted in a 'Dance of Bears' by little girls wearing yellow robes. The cult clearly reflects an aboriginal form of animal-worship, many of which came to be associated with the name of this goddess.

τῷ πατάξαντι τύπτειν. Cp. note on § 13 *εἰληφέναι καὶ δεδωκέναι πληγάς*.

ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου. This, as inscriptions show, is the usual Attic form of the name. *ἐξέβαλεν*, 'sent him into exile'. The jurisdiction in cases of homicide lay with the Areopagus.

ἕως ἂν ἀπείπωσιν (*sc. οἱ ἀσελγαίνοντες*), 'until they grow tired of it'.

§ 26 ὅθ' ἡ δίαιτ' ἐγίγνετο. Arbitration was, no doubt, the first step in all ordinary civil cases.

ἐποίησαν . . . τὴν ὥραν. 'They prolonged the time until after midnight'.

ἀντίγραφα διδόναι, 'to put in copies' of the depositions.

τῶν τε παρόντων . . . ἐξορκοῦντες, 'merely leading our witnesses one at a time to the altar and swearing them'. For this use of *οὑτωσί*, compare Homer's *μὰψ οὕτω*. The arbitrator would hear the case in any convenient public place, and there would no doubt be an altar readily available. There is no need to infer that some special public altar is referred to here.

ἐξ ἑταίρας . . . τοῦτο. This was one of the irrelevant depositions. If Ctesias was not the legitimate son of Conon, the latter could not be held responsible for his conduct.

αὐτοὶ ἑαυτούς, *sc. ἐπετίμων καὶ ἐμίσουν*.

§ 27 ἐπειδὴ δ' οὖν ποτε. 'However that may be, when at last. . . .'

προκαλοῦνται κτλ. 'With a view to gaining time and preventing the sealing of the documents, they put in a challenge, expressing

their willingness to submit some of their slaves for torture, whose names they wrote down.' For *ἐχίνους*, see *Phormio*, § 46, note on *κατεβάλλετο*. Such challenges were designed to settle some disputed point, and might take one or other of two forms. For the *πρόκλησις εἰς ὅρκον*, see *Boeotus*, § 3, note *ὀμοσάσης αὐτῆς*. Here we have the *πρόκλησις εἰς βάσανον*, in which a man offered his own slaves, or demanded those of his opponent, so that their evidence might be taken under torture. It seems that such offers were rarely made seriously, but rather in such a form that they were likely to be refused, and with the idea of influencing the jury. In this case Ariston anticipates that Conon and his friends will try to make capital out of his refusal, and deals with the point at some length. He had already adopted the usual course, and had replied to their challenge by putting in a counter-challenge (§§ 40–1), which was also refused. His, however, was a *πρόκλησις εἰς ὅρκον*.

ἤδη . . . ἀποφαινομένης, 'when the finding of the arbitrator was on the point of being announced'.

§ 28 *τοῦτον . . . τὸν πρῶτον πατάξαντα*, 'I kept on declaring that it was he who had struck the first blow.'

τῶν ἐξ Ἀρείου πάγου τινάς. They would have come with Conon in their official capacity.

§ 29 *εἰ δ' ἄρ' ἠγνόησε κτλ.* 'If he was really unaware of this, and in spite of having this plea, he made no preparations to meet so great a risk—for so he will assert—yet at least when I summoned him after my recovery, he would have made a point of surrendering his slaves at our first meeting before the arbitrator.' By *τοῦτο τὸ δίκαιον* he means the evidence of the slaves. Distinguish *προσκαλοῦμαι* and *πρόσκλησις* from *προκαλοῦμαι* and *πρόκλησις*.

§ 30 *ὧν ἕνεκ' ἐκκρούων ταῦτ' ἐποίει*. The participle, if it is not an interpolation, explains and emphasizes *ὧν ἕνεκα*.

οὐδ' ἀξιώσας, *sc.* either *προκαλεῖσθαι* or *τὸ δίκαιον γενέσθαι*.

ἠλέγχετο: subject probably Conon, as with *ἐδείκνυτο*, *ταῦτα πάντα* being cognate accusative.

ἐμβάλλεται. The false deposition was 'put in', as we ourselves say, but with the literal sense of *εἰς τὸν ἐχῖνον*. See also *Phormio*, § 36, note on *κατεβάλλετο*.

§ 31 *κἀπιγράφεται*. This writing of the names of the witnesses on the *μαρτυρία* took place, of course, before it was put in, but the inversion

leads up more easily, as Sandys has pointed out, to the recital of their names and the quotation of the *μαρτυρία*, the form of which is accepted as authentic.

μὴ πατάξαι: subject Κόνωνα, as the sense shows.

§ 32 **ὡς ὑμᾶς . . . πιστεύοντας.** This accusative absolute of the participle of a personal verb is not uncommon after *ὡς* and *ὥσπερ* (Goodwin, *Moods and Tenses*, § 110, para. 2, note 1), and expresses the thought in the mind of the subject of the sentence.

τὰ ψευδῆ; i. e. evidence which would have been false, had they not actually seen the assault.

ἔπειτα balances *πρῶτον μέν* above, the force of *οὐ λογιουμένους ὅτι* continuing down to *προειλόμην*. Tr. 'and further, that I myself, if I had not been the victim of Conon's attack, should never have passed over those who, upon the defendant's own admission, assaulted me, and have chosen to prosecute first of all a man who did not even lay a finger on me'. *πρῶτον* goes closely with *εἰσιέναι* (*sc.* *δίκην*).

οὐδέποτ' ἄν: the particle is to be taken with *ἠθέλησαν*, lower down.

§ 33 **μισῶ**: a curious personal touch, the more remarkable by reason of its position between two legal terms.

φαίνεται, *sc.* *ἀληθῆ ὄντα*.

εἰκότως . . . μεμαρτυρήκασιν. For this kind of spirit among such associates, see *Boeotus*, § 18, and note on the idea of *ἔρανος*.

εἰ δ' ἔσται . . . τοιοῦτον, 'if things come to such a pass': explained and elaborated by the sentence *ἐὰν ἅπαξ . . . τῆς ἀληθείας ὄφελος*, where *ὥστε* would normally be expected. The negative *οὐδέν* appears here, because the statement is definitely put forward as a fact, and is by process of thought the true apodosis of *ἐὰν . . . τολμήσωσι μαρτυρεῖν*.

§ 34 **ἀλλὰ νὴ Δία κτλ.** 'But no doubt they will urge that they are not people of this kind.'

τὸν ἐπιπόλιον τουτονί, 'the grey-headed man over there'.

ἐσκυθρωπάκασι, 'wear a heavy frown', playing the part of puritanical kill-joys.

λακωνίζειν φασί, 'claim to emulate the Laconians'. The wearing of the *τρίβων*, a short, coarse cloak, and of shoes with only a single sole (*ἁπλᾶς sc.* *ἐμβάδας*), were the outward sign of austerity and asceticism, such as were associated with the Spartan way of life in

the minds of the other Greeks. The *τρίβων* was also the garment of philosophers, and both Aristophanes and Theophrastus mention it as the somewhat despised dress of the poor or old-fashioned Athenian.

ἐπειδὰν δὲ συλλεγῶσι. In contrast with *μεθ' ἡμέραν μέν* above, it is clear that these gatherings took place at night.

§ 35 οὐ γὰρ ἡμεῖς . . ., 'Do you mean to say that we . . .'.

τί δὲ καὶ δεινὸν κτλ. 'What is there really worth fearing in the charges he threatens to bring against you?'

μηδ' ἥφθαι: passive, with Ariston as subject.

ἐρράφθαι: cp. § 41 *τὸ χεῖλος διακοπεὶς οὕτως ὥστε καὶ ῥαφῆναι.* These details would appear in the doctor's evidence, the value of which is shown by Ariston's simple *ἀλλὰ καὶ μάρτυρας ἰατροὺς παρέχομαι* in § 36.

§ 36 ἔσα γὰρ μὴ δι' ἑαυτῶν, 'with the exception of such evidence as may be given by their own party'.

ἢ δ' ἀπ' αὐτῶν ἑτοιμότης κτλ. The order of words is unusual, but quite deliberate: the translator must take it carefully into account.

εἰδῆτε . . . λέγε . . . ἐπίλαβε . . . Ariston turns first to the jury, then to the clerk of the court, and lastly to the officer in charge of the water-clock (*ὁ ἐφ' ὕδωρ*). The water was stopped during the reading of all documents, and only ran while the actual speech was in progress.

37 γραμματειδίῳ, 'a scrap of paper', with the same connotation as in our own modern phrase.

φιλαπεχθημοσύνης, 'quarrelsome disposition', a rare word: see *Boeotus*, § 36, note on *ἐθελέχθρως*, for another like it.

38 παραστησάμενον τοὺς παῖδας. Conon is not merely going to employ the usual method of moving the jury to compassion, common both in Greece and at Rome, and satirized by Dickens in the nineteenth century in his account of *Bardell* v. *Pickwick*, but intends to create a sensation by calling down curses upon his sons (*κατὰ τούτων*) the event of perjury upon his part.

ἀκηκοώς γέ τις . . . ἡμῖν. The moving scene has evidently been rehearsed carefully beforehand, the emphatic word being *θαυμάσας*.

ἀνυπόστατα, 'difficult to resist'. Ariston flatters the jury by suggesting that honest, upright men like themselves are most likely to be impressed by such a performance.

οἱ γὰρ οἶμαι βέλτιστοι: a conversational use of *οἶμαι* in parenthesis.

οὐ μὴν ἀλλὰ κτλ. 'So far from being deceived, you must rather look carefully to his life and character before you believe him.' *πιστεύειν* is, of course, ironical. The meaning of *ἀποβλέπειν* is 'to look away from all else towards one particular point'.

§ 39 πρὸς τὰ τοιαῦτα. As the sequel shows, Ariston is here referring to the taking of oaths.

ὃς παρ' ὑμῖν ἀπέθανε, 'who was condemned to death by your courts'.

διεφθαρμένον: not necessarily 'blind', but perhaps only 'with bad eyes', since the word is often used of organs and senses which are only defective.

Τριβαλλούς. For this Thracian tribe, and the bearing of *μειράκια ὄντας* upon the date of the speech, see Introd., p. 55.

τά θ' Ἑκαταῖα, 'the offerings of Hecate'. At the season of the new moon, dishes of food were placed as an offering to Hecate Trioditis upon the cairns or smooth stones at places where three roads met, since the stones were regarded as sacred to her. Food so offered was sometimes eaten by beggars, but here its consumption is regarded as a sure proof of abandoned impiety, like the eating of the expiatory offerings mentioned immediately below. The Superstitious Man in Theophrastus, 'if he sees any one feasting on the garlic at the cross-roads, goes off and pours water over his head, and then sends for the priestesses, bidding them carry squills or a puppy round him for purification'.

τοὺς ὄρχεις τοὺς ἐκ τῶν χοίρων. This is an almost certain emendation for the manuscripts' *τὰς ὄρνεις τὰς ἐκ τῶν χωρῶν*, of which there is no satisfactory explanation. Young pigs are known to have been used as victims in the ceremony by which the place of assembly was purified before the people were admitted to a meeting of the *ἐκκλησία*, i. e. *ὅταν εἰσιέναι μέλλωσι*.

§ 40 ἀλλ' ὁ μηδ' εὔορκον κτλ. 'Whereas the man who would not swear even an honest oath by any object which you do not recognize, and would not even contemplate swearing by his children's lives, but would rather endure anything sooner than that, and who would take the customary oath if compelled to do so—this man is far more trustworthy than one who swears by his children, and by the ordeal of fire.'

The reading of the text involves transposing *ὧν μὴ νομίζετε* from its position in the MSS. after *παίδων*, since to leave it there would necessitate two contradictions. For in § 41 Ariston swears solemnly to the truth of his account of the assault, and therefore cannot be described as 'a man who would not swear even an honest oath'; and Demosthenes refers in another speech to the fact that his own mother took such an oath by himself and his sister, so that the oath *κατὰ παίδων* is not contrary to custom.

The phrase *διὰ τοῦ πυρός* is difficult. Some commentators compare Soph. *Antigone*, 264–5, and see an allusion to an ordeal by fire. Sandys suggests that the true reading may be *διὰ τοῦ πυρὸς ἰόντος*, and that the participle has been lost through its similarity of termination with *ὀμνύοντος*, and compares the use of *διὰ πυρὸς ἰέναι* by Aristophanes and Xenophon in the modern sense of 'going through fire and water'. Other interpretations (e.g. 'before the burning altar') involve straining the meaning of the preposition.

The intention of the plaintiff in this rather difficult and idiomatic sentence is to describe the sort of man who is to be trusted upon oath, and then to claim this character for himself.

πιστευθεὶς ἄν: for this passive, see note on § 2 *παρανενομῆσθαι*.

ταυτί anticipates the contents of the *πρόκλησις*, which is about to be read, and is the answer to Conon's challenge of § 27. It is clear that the process had by this time degenerated into a mere piece of manœuvring.

κατεπιορκησόμενος. If this reading is to remain, the middle is used in the passive sense: tr. 'since I do not intend to lose my case through your perjury'. *κατεπιορκηθησόμενος* has been suggested. For this force of *κατὰ* in compounds, compare *καταρραθυμεῖν*, 'to lose by negligence'.

41 **καὶ νῦν ὀμνύω κτλ.** Here follows the oath 'in the recognized manner (*ὡς νόμιμον*), though the oath of Conon, of which Ariston expresses such strong disapproval, cannot have been much more impressive. For a similar oath on a solemn occasion, compare the opening paragraph of the *De Corona*.

ἢ μὴν παθὼν κτλ. The participles are causal, and explain *τὴν δίκην διώκειν*, the infinitive depending upon *ὀμνύω*.

οὐδ' ἂν Κόνων διαρραγῇ, *sc.* *λέγων ὅτι ἐπιορκῶ*, 'even if Conon says so till he bursts'.

§ 42 πίστιν προσθέντος ὑμῖν: in reference to the oath he has just sworn.

τὰ δίκαι' ἀποδιδόναι, 'to give him his due', 'pay him in full'.

§ 43 προσυβρισθείς: the preposition, which is important, is explained by *δίκης μὴ τυχών*.

ἢ μή, *sc.* *ἐξεῖναι*, as the negative shows.

§ 44 ὡς ἡμεῖς χρήσιμοι κτλ. It was not unusual for a man at the close of his speech to refer to his services as a citizen, in order to impress the jury favourably. Compare *Boeotus*, §§ 36–9, where the plaintiffs deal at length with the disloyal conduct of the defendant, and compare their own services to the Athenian people.

ὡς οὐδέν, *sc.* *χρήσιμος γέγονεν*.

οὔτε τὸ ὕδωρ ἱκανόν. See note on § 36 *εἰδῆτε . . . λέγε . . . ἐπίλαβε . . .*

τυπτητέοι. Compare note on § 14 *εἰληφέναι . . . πληγάς*.

Οὐκ οἶδ' ὅ τι κτλ. The quietness and simplicity of the conclusion is characteristic and effective.

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